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BIRTH PLACE OF WARREN, ROXBURY, MASS.

See Note P. 173.

THE  
MUNICIPAL REGISTER,  
CONTAINING THE  
CITY CHARTER,  
WITH  
RULES AND ORDERS  
OF  
THE CITY COUNCIL;  
ALSO,  
THE ORDINANCES,  
AND  
INSTRUCTIONS TO WARD OFFICERS;  
AND A  
LIST OF THE OFFICERS  
OF THE  
City of Roxbury,  
FOR  
1858.

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ROXBURY :  
L. B. & O. E. WESTON, PRINTERS, GUILD ROW.  
1858.





## City of Roxbury.

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IN BOARD OF ALDERMEN, May 3, 1858.

ORDERED, That a Committee of two from this Board, with such as the Common Council may join, be appointed to prepare the Municipal Register for the year 1858, the same to contain, in addition to the usual information and the Ordinances of the City, apt notes of reference, indicating the changes of Laws and Ordinances ; also, a statement of the amount of the City Debt for each year, since the incorporation of the City.

Ald. LELAND and CLAPP were appointed.

JOSEPH W. TUCKER, *City Clerk*.

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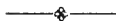
IN COMMON COUNCIL, May 3, 1858.

Concurred, and Messrs. SHED, TOWER and BATCHELDER were joined.

FRANKLIN WILLIAMS, *Clerk*.



# CITY CHARTER.



COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Forty-Six.

## AN ACT to Establish the City of Roxbury.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. The inhabitants of the town of Roxbury shall continue to be a body politic and corporate, under the name of the City of Roxbury, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said town as a Municipal Corporation. Roxbury to be a city.

SECT. 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of eight,<sup>1</sup> to be called the board of aldermen; and one council of twenty-four,<sup>2</sup> to be called the common council; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respec-

Administration to be vested in Mayor, Aldermen and Common Council.

<sup>1</sup> One Alderman from each Ward and three at large. Amdt. of 1852, sec. 3.

<sup>2</sup> Council of twenty. Ibid.

To serve  
without pay.

tive offices. A majority of each board shall constitute a quorum, for doing business, and no member of either board shall receive any compensation for his services.

Selectmen  
to divide  
the Town  
into Wards.

SECT. 3. It shall be the duty of the selectmen of the town of Roxbury, as soon as may be, after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into eight wards,<sup>1</sup> as follows, to wit: *first*, by drawing a line between the second and third parishes, as near the old territorial parish line as may be convenient, and constituting the second parish one ward; *second*, by drawing a line in the same manner between the first and third parishes, and dividing the third parish into two wards, to contain, as nearly as may be convenient, an equal number of inhabitants; and, *third*, by dividing the first parish into five wards, as nearly equal in number of inhabitants as may be consistent with convenience in other respects.

To be revised  
every five  
years by City  
Council.

And it shall be the duty of the city council, once in five years, to revise, and, if it be needful, to alter said wards in such manner as to preserve as nearly as may be, an equal number of voters in each ward; *provided, however*, that the second parish shall always constitute at least one ward, and the third parish shall constitute at least two wards, without any addition of territory to either.

Election  
and duties  
of Warden  
and Clerk,  
and Inspectors  
of  
Elections.

SECT. 4. On the second Monday in March,<sup>2</sup> annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of wards in which they are chosen, who shall hold their offices for one year,<sup>3</sup> and until others shall have been chosen in their places, and qualified to act. It shall be the duty of such warden to preside at all ward meetings, with the power of moderators of town meetings. And if at any meeting the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden pro tem-

<sup>1</sup> Five Wards. Amdt. of 1852, sec. 1.

<sup>2</sup> Second Monday of December. Amdt. 1850, sec. 1.

<sup>3</sup> And until others are chosen. Amdt. '50, sec. 7.

pore shall be chosen by ballot. And if at any meetings the clerk shall not be present, a clerk pro tempore shall be chosen by ballot. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. And it shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the votes. And the warden, clerk and inspectors so chosen, shall respectively make oath or affirmation, faithfully and impartially to discharge their several duties, relative to all elections, which oath may be administered by the clerk of such ward, to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Norfolk.

All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meeting, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned in such manner, and at such times, as the city council may by any by-law direct. Warrants for Ward and City meetings.

SECT. 5. The mayor and eight aldermen, one alderman to be selected from each ward,<sup>1</sup> shall be elected by the qualified voters of the city, at large, voting in their respective wards, and three common councilmen<sup>2</sup> shall be elected from and by the voters of each ward, and shall be residents of the wards in which they are elected; all said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in April:<sup>3</sup> and the mayor, until another shall be elected and qualified in his place. Elections of Mayor and City Council.

SECT. 6. On the second Monday in March,<sup>4</sup> annually, immediately after a warden, clerk, and inspectors<sup>5</sup> shall have been elected and sworn, the Proceedings at Ward meetings.

<sup>1</sup> One from each Ward and three at large. Amdt. of 1852, sec. 3.

<sup>2</sup> Four from each Ward. Ibid.

<sup>3</sup> First Monday in January. Amdt. of 1850, sec. 1.

<sup>4</sup> Second Monday of December. Ibid.

<sup>5</sup> So much as relates to Warden, &c., repealed by Amdt. of '50, sec. 2.

qualified voters in each ward shall give in their votes for mayor, aldermen and common councilmen, as provided in the preceding section; and all the votes so given, shall be assorted, counted, declared and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records in words at length.

Certificates  
of Election.

The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected members of the common council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election, certified in like manner; *provided, however*, that if the choice of common councilmen cannot be conveniently effected on that day, the meeting may be adjourned from time to time, to complete such election.<sup>1</sup>

The board of aldermen shall, as soon as may be convenient, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor, to be notified in writing of his election; but if it shall appear that no person has received a majority of all the votes, or if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are hereinbefore provided, for the choice of mayor, and repeated from time to time, until a mayor is chosen.

To supply  
vacancy in  
the office of  
Mayor

In case of the decease, resignation or absence of the mayor, or his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council, in convention, to elect a mayor for the time being, to serve until another is chosen, or until the occasion causing the vacancy is removed.

and Alder-  
men.

And if it shall appear that the whole number of aldermen have not been elected, the same proceed-

<sup>1</sup> Other vacancies filled in like manner. Amdt. of 1850, sec. 3.

ings shall be had, as are hereinbefore provided for the choice of mayor. Each alderman shall be notified in writing, of his election, by the mayor and aldermen for the time being.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Norfolk. Mayor's oath.

The aldermen and common councilmen elect, shall, on the first Monday of April,<sup>1</sup> at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor or by any justice of the peace for the county of Norfolk, and a certificate of such oath having been taken, shall be entered on a journal of the mayor and aldermen, and of the common council, by their respective clerks.

And whenever it shall appear that no mayor has been elected previously to the said first Monday in April,<sup>1</sup> the mayor and aldermen for the time being, shall make a record of that fact; an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid. Notice to Convention when no Mayor is chosen.

After the oath has been administered as aforesaid, the two boards shall separate; and the common council shall be organized by the choice of a president and a clerk, to hold their office during the pleasure of the common council, and to be sworn to the faithful performance of their duties. Organization of the Common Council.

In case of the absence of the mayor elect, on the first Monday in April,<sup>1</sup> the city government shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may be administered to the mayor at any time thereafter in a convention of the two branches. In absence of Mayor at first meeting.

In the absence of the mayor, the board of aldermen may choose a chairman *pro tempore*, who shall preside at joint meetings of the two boards. Mayor pro tem.

Each board shall keep a record of its own pro-

<sup>1</sup> First Monday of January. Amdt. of 1850, sec. 1.

Each Board  
judge of  
Elections  
of its own  
members, &c.

ceedings, and judge of the election of its own members; and in failure of election, or in cases of vacancy, may order new elections. And in case of any such vacancy declared by either board, the mayor and aldermen shall order a new election.

Duties of  
Mayor.

SECT. 7. The mayor thus chosen and qualified, shall be the chief executive officer of said city.<sup>1</sup> It shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and keep a general supervision over the conduct of all subordinate officers, with power to remove them for neglect of duty. He may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing notices to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information, and recommend such measures, as in his opinion the interests of the city may require; he shall preside in the board of aldermen, and in convention of the two branches, but shall have only a casting vote.

Compensation.

The salary of the mayor for the first year in which this charter shall take effect, shall be six hundred dollars, and no more; his salary shall afterwards be fixed by the city council, but neither increased nor diminished during the year for which he is chosen; and he shall have no other compensation: *provided, however*, that the city council shall have power to appoint the mayor commissioner of highways, when, in their opinion, such an office is necessary, and allow him a suitable compensation therefor.

May be  
appointed  
Commissioner of  
Highways.

Executive  
power in the  
Mayor and  
Aldermen.

SECT. 8. The executive power of said city generally, and the administration of the police, with all the powers heretofore vested in the selectmen of Roxbury, shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated.

<sup>2</sup>And the mayor and aldermen shall have full

<sup>1</sup> To hold office until another is chosen. Amdt. of 1850, sec. 7, and amdt. of 1852, sec. 3.

<sup>2</sup> Further powers. Act of 1851, ch. 162.



and exclusive power to appoint a constable and <sup>Police Officers.</sup> assistants, or a city marshal and assistants, with the powers and duties of constables, and all other police officers; and the same to remove at pleasure.

And the mayor and aldermen may require any <sup>Constables' bonds.</sup> person appointed a constable of the city, to give bonds, with such security as they may deem reasonable, before he enters upon the duties of his office, upon which bonds the like proceedings and remedies may be had, as are by law provided in case of constables' bonds taken by the selectmen of towns.

And the mayor and aldermen shall have the <sup>Licenses.</sup> same power to grant licenses to innholders, victuallers and retailers within the city, which is possessed by the mayor and aldermen of the city of Boston.

The city council shall annually, as soon after <sup>To appoint certain officers.</sup> their organization as may be convenient, elect, by joint ballot in convention, a treasurer and collector of taxes, a chief engineer, a city clerk, and three assessors of taxes, and fix their compensations. They shall, also, in such manner as they shall determine, appoint or elect all other subordinate officers, for whose election or appointments other provision is not herein made, define their duties and fix their compensations.

All sittings of the common council shall be <sup>Sittings public.</sup> public, and all sittings of the mayor and aldermen shall also be public, when they are not engaged in executive business.

The city council shall take care that no moneys be paid from the treasury, unless granted or appropriated; shall secure a just and proper accountability by requiring bonds, with sufficient penalties and sureties, from all persons trusted with the receipt, custody or disbursement of money; shall have the care and superintendence of the city buildings, with power to let, or to sell what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their

judgment, require it. And the city council shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property.

Mayor to  
nominate.

SECT. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination; such nomination, however, being subject to be confirmed or rejected by the board of aldermen: *provided, however*, that no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment, shall be a member of the board of aldermen or of the common council.

Members of  
City Council  
not eligible  
to offices of  
emolument.

Duties of  
City Clerk.

SECT. 10. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and he shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Roxbury. He shall be chosen for one year, and until another shall be chosen and qualified in his place; but may be at any time removed by the city council.

Overseers  
of the Poor.

SECT. 11. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect by ballot one person in each ward to be an overseer of the poor, who shall be a resident of said ward; and the person thus chosen, together with the mayor, shall constitute the board of overseers of the poor, and shall have all the powers and be subject to all the duties now by law appertaining to the overseers of the poor for the town of Roxbury.

School  
Committee.

The qualified voters shall, at the same time and in the same manner, elect three persons from the city at large, and two persons from each ward, to be members of the school committee: and the persons thus chosen shall constitute the school com-

mittee, and have the care and superintendence of the public schools.<sup>1</sup>

The qualified voters shall, at the same time and in like manner, elect one person in each ward to be an assistant assessor, who shall be a resident of said ward; and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards, and they shall be sworn to the faithful performance of their duty.

The persons to be chosen by the city council as assessors, shall constitute the board of assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors in towns.

All taxes shall be assessed, apportioned and collected in the manner prescribed by law relative to town taxes: *provided, however*, that it shall be lawful for the city council to establish further and additional provision for the collection thereof.

Should there fail to be a choice of overseers of the poor, members of the school committee, or assistant assessors in any ward, the vacancy or vacancies shall be filled by the city council in convention, in the same manner that is provided for filling vacancies in the senate of this Commonwealth.

SECT. 12. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering, or discontinuing any street or way, shall first be acted upon by the mayor and aldermen. And any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the county commissioners of the county of Norfolk, at any meeting held within one year after such decision; whereupon the same proceedings shall be had as are now provided by the laws of the Commonwealth in cases where persons are aggrieved by the assessment of dam-

<sup>1</sup> Vacancies, how filled. Act of 1857, chap. 266.

ages by selectmen, in the twenty-fourth chapter of the Revised Statutes.

Health.

SECT. 13. All power and authority now by law vested in the board of health for the town of Roxbury, or in the selectmen of said town, shall be transferred to, and invested in the city council, to be carried into execution in such manner as the city council shall deem expedient.

Common  
Sewers.

SECT. 14. The city council shall have authority to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damages as they may sustain thereby; and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer.

Inspection of  
Lumber, &c.

And the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal and bark, brought into the city for sale.

Prosecutions  
for breach of  
City Laws,  
&c.

SECT. 15. All fines, forfeitures and penalties, accruing for the breach of any by-laws of the city of Roxbury, or of any of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before any justice of the peace in said city of Roxbury, by complaint or information in the name of the Commonwealth, in the same way and manner in which other criminal offences are now prosecuted before the justices of the peace within this Commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the court of common pleas, then next to be held in the county of Norfolk, from the judgment and sentence of any justice of the peace.

And the appeal shall be allowed on the same terms and the proceedings be conducted therein in the same manner as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this Commonwealth.

And it shall be sufficient in all such prosecutions to set forth in the complaint the offence fully, plainly, substantially, and formally, and it shall not

be necessary to set forth such by-law, ordinance, or order, or any part thereof.

All fines, forfeitures and penalties so recovered and paid, shall be paid to the treasurer of the city of Roxbury, and shall enure to such uses as said city council shall direct.

When any person upon any conviction before a justice of the peace, for any breach of any by-law of said city of Roxbury, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture, provided by any such by-law, ordinance or order, or upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior, and upon not paying the fine, penalty or forfeiture and costs so assessed upon him, he shall be committed to prison, there to remain until he or she shall pay such fine, forfeiture or penalty and costs, or be otherwise discharged according to law.

The provisions of this section shall also apply to all prosecutions founded on the by-laws or ordinances of the town of Roxbury, which may continue in force after this act shall go into operation.

SECT. 16. It shall be the duty of the city council annually, in the month of October, to meet in convention and determine the number of representatives to be elected by the city to the General Court in such year, which shall be conclusive, and the number thus determined shall be specified in the warrant calling meetings for the election of representatives.

SECT. 17. All elections for County, State, and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings all the votes given for said several officers respectively, shall be assorted, counted, declared and registered

Representatives.

Proceedings at and after meetings for election of County, State, and Federal officers.

in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the Constitution, and the laws of the Commonwealth.

List of  
Voters.

SECT. 18. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors, assistant assessors, and the city officers, and they shall deliver said lists, so prepared and corrected, to the clerks of said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list.

Meetings of  
the citizens.

SECT. 19. General meetings of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good; to instruct their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the Constitution of this Commonwealth. And such meetings may and shall be duly warned, by the mayor and aldermen, upon the requisition of fifty qualified voters.

SECT. 20. For the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of Roxbury for the time being, shall, on some day during the months of March and April of the present year, issue their warrants seven days at least previous to the day so appointed for calling meetings of the said citizens at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act, and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward, at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and in case said elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed; and to give notice thereof in the manner hereinbefore provided to the several persons elected. And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore provided. And the selectmen shall appoint such time for the first meeting of the city council as they may judge proper, after the choice of city officers as aforesaid, or a majority of the members of both branches, in the year one thousand eight hundred and forty-six, and shall also fix upon the place and the hour of said first meeting, and a written notice thereof shall be sent by said selectmen, to the place of abode of each of the city officers chosen, as provided in this section. And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual

First organization of the City Government.

elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.

And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified; and at the meetings to be called, as prescribed in this section, for the choice of ward and city officers, the said inhabitants may, and shall, also give in their votes for county officers, which votes shall be recorded, certified and returned in the manner provided in the seventeenth section of this act.

Power of  
the City  
Council to  
make  
By-Laws.

SECT. 21. The city council shall have power to make all such salutary and needful by-laws, as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, or other authority whatever; *provided, however*, that all laws and regulations now in force in the town of Roxbury shall, until they shall expire, by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law, or ordinance, shall be paid into the city treasury.

Annual town  
meeting  
suspended,  
&c., and  
town officers  
to hold over,  
&c.

SECT. 22. The annual town meeting for the town of Roxbury, which by law is required to be held in the month of March, or April, is hereby suspended, and all town officers now in office, shall hold their places until this act shall go into operation; and in case this charter shall not be accepted in the manner and form as hereinafter provided, then the selectmen shall issue their warrant according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed.

SECT. 23. All officers of the town of Roxbury, having the care and custody of any records, papers



or property belonging to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office. Delivery, &c. of Records to City Clerk.

SECT. 24. All such acts, and parts of acts, as are inconsistent with the provisions of this act, Repeal of inconsistent provisions. shall be, and the same are hereby repealed.

SECT. 25. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient. Legislature may alter and amend this act.

SECT. 26. This act shall be void, unless the inhabitants of the town of Roxbury, at a legal town meeting called for that purpose, shall by a vote of a majority of the voters present, and voting thereon, by a written ballot, determine to adopt the same within twenty days from and after its passage. Act to be void unless accepted by the inhabitants.

SECT. 27. This act shall go into operation from and after its passage. When to take effect.

[Passed March 12, 1846.]

EXTRACT FROM THE RECORDS OF THE TOWN OF  
ROXBURY.

At a meeting of the Freeholders and other Inhabitants of the Town of Roxbury, qualified to vote in Town affairs, duly warned and legally assembled at the Town Hall, in said town, on Wednesday, the twenty-fifth day of March, A. D. 1846.

ART. 1. John J. Clarke, Esq., was chosen Moderator.

The Town voted that the Poll be closed at six o'clock this day.

ART. 2. The qualified voters were called upon by the Moderator to bring in their ballots, Yea or Nay, for the acceptance or rejection of the Act of the Legislature to "Establish the City of Roxbury."

The same being sorted and counted, it appeared that the whole number of ballots given in was one thousand and twenty-eight.

Eight hundred and thirty-six Yeas.

One hundred and ninety-two Nays.

Whereupon the Moderator then declared that the "Act to Establish the City of Roxbury," had been accepted by the people.

The Meeting was then dissolved.

A true Record.

Attest : NATH'L. S. PRENTISS, *Town Clerk.*

August 31, 1846.

A true copy from the Record.

JOSEPH W. TUCKER, *City Clerk.*

# AMENDMENT.

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COMMONWEALTH OF MASSACHUSETTS.

---

In the Year One Thousand Eight Hundred and Fifty.

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AN ACT in addition to an Act to establish the City of Roxbury.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The several municipal officers whose election by the people is provided for in the act to which this is in addition, shall, subsequently to the March election of the present year, be chosen on the second Monday of December, annually, and shall enter upon the duties of their respective offices on the first Monday in January, each year; but the officers chosen for the municipal year, commencing with the first Monday of April next, shall hold their offices only until the first Monday of January ensuing.

SECT. 2. So much of the sixth section of the act to which this is an addition, as relates to warden, clerk and inspectors, is hereby repealed.

SECT. 3. Any vacancy in the office of overseer of the poor, assistant assessor, or school committee, may be filled in the manner provided in the sixth section of that act to which this is in addition, for filling vacancies in the common council.

SECT. 4. The list of jurors in the City of Roxbury, shall be prepared by the mayor and aldermen of the city, in the same manner as is required in the ninety-fifth chapter of the Revised Statutes, to be done by the selectmen, within and for their respective towns; and the lists, when made out by the mayor and aldermen, shall be submitted to the common council for concurrent revision or amendment.

SECT. 5. The said mayor and aldermen, and the clerk of the city, shall severally have and exercise, all the powers and duties, with regard to the drawing of jurors in the City of Roxbury, and all other matters relating to jurors therein, which are, in the ninety-fifth chapter of the Revised Statutes, required to be performed by the selectmen and town clerks in their respective towns; and all venires for jurors to be returned from Roxbury, shall be served on said mayor and aldermen.

SECT. 6. This act shall be void, unless approved by the voters of Roxbury, at meetings held simultaneously in the several wards, upon notice duly given, at least seven days before the time of said meetings and within thirty days after the passage of this act.

SECT. 7. The mayor and ward officers chosen under this act, shall hold their respective offices for one year, and until others shall have been chosen in their places and qualified to act.

SECT. 8. This act shall take effect from and after its passage.

[Approved by the Governor, Feb. 12, 1850.]

## ACCEPTANCE OF THE AMENDMENT.

IN BOARD OF ALDERMEN, Feb. 25, 1850.

*Ordered*, That Aldermen Young and Ward be a committee to examine the returns of votes from the several wards, as given in this day upon an amendment to the City Charter, who subsequently reported as follows:

The Special Committee to whom was referred the returns of votes from the several wards, as given in this day upon an amendment to the City Charter, entitled "An Act in addition to an Act to Establish the City of Roxbury," passed February 12, 1850, submit the following report:

The whole number of ballots given in the several wards was one hundred and twenty-four.

For the amendment to the City Charter, *one hundred and fifteen* ; against the amendment, *nine*.

No return was received from Ward Seven.

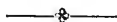
C. YOUNG, }  
R. WARD, } *Committee.*

Report read and accepted, and the amendment declared to be adopted.

A true copy from the Record.

*Attest,* JOSEPH W. TUCKER, *City Clerk.*

## A M E N D M E N T .



COMMONWEALTH OF MASSACHUSETTS.

In the Year One Thousand Eight Hundred and Fifty-Two.

AN ACT in further addition to an Act to establish the City of Roxbury.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The number of wards of said city shall be five, and each ward respectively, shall embrace the same territory as at present, unless altered as hereinafter provided. It shall be the duty of the city council, once in five years, to revise, and, if it be needful, to alter said wards in such manner as to preserve, as nearly as may be, an equal number of voters in each ward.

SECT. 2. The second section of the said act, entitled "An Act to establish the City of Roxbury," is hereby so far amended, that from and after the election of the five additional common councilmen for the current municipal year, whose election is hereinafter provided for, the council called the common council, shall consist of twenty.

SECT. 3. The mayor and eight aldermen, one alderman to be selected from each ward, and three aldermen from the city at large, shall be elected annually, by the qualified voters of the city at large, voting in their respective wards, and four common councilmen shall be elected annually from and by the voters of each ward, who shall be residents of the wards in which they are elected; all of said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday of January, and the mayor until another shall be elected and qualified in his place; all of said officers shall be elected on the second Monday

of December annually, and shall enter upon the duties of their respective offices on the first Monday of January each year.

SECT. 4. There shall be elected, at such time in the month of February or March, of the present year, as the mayor and aldermen shall appoint, by the qualified voters of the city at large, voting in their respective wards, three aldermen from the city at large, in addition to those already elected from wards, and one common councilman shall be elected from and by the voters of each ward, in addition to those already elected; and the common councilmen so elected shall be residents of the wards in which they are elected; all of said officers shall be chosen by ballot, and shall enter upon the duties of their respective offices as soon as may be after their election, and shall hold their respective offices until the first Monday of January next; and in case of failure of election, of either of said aldermen or common councilmen, or in case of vacancy from any other cause, the mayor and aldermen shall order a new election for the purpose of filling such vacancy, as is provided in the sixth section of the act to which this is in addition.

SECT. 5. This act shall be void, unless the inhabitants of Roxbury, at any general meeting, duly warned by public notice, of at least seven days, by the mayor and aldermen, shall, (within thirty days from the passage hereof,) by written vote, adopt the same.

SECT. 6. All acts, or parts of acts, inconsistent herewith, are hereby repealed.

SECT. 7. This act shall take effect from and after its passage.

[Approved by the Governor, Feb. 11, 1852.]

## ACCEPTANCE OF THE AMENDMENT.

EXTRACT FROM THE RECORDS OF THE CITY OF ROXBURY.

At a meeting of the Inhabitants of the City of Roxbury, qualified to vote in elections, duly warned and legally assembled at the City Hall in said city, on Monday, the twenty-third day of February, 1852.

ART. 1. Laban S. Beecher, Esq., was chosen Moderator.

It was voted that the Poll be closed at 7 o'clock.

ART. 2. The qualified voters were called upon by the Moderator to bring in their ballots, Yea or Nay, for the acceptance or rejection of the act of the Legislature, entitled "An Act in further addition to an Act to establish the City of Roxbury," passed Feb. 11, 1852.

The same being sorted and counted, it appeared that the whole number of ballots given in, was two hundred and fifty-eight.

Two hundred and forty-five Yeas.

Thirteen Nays.

Whereupon the Moderator then declared that the "Act in further addition to an Act to establish the City of Roxbury," had been accepted by the people.

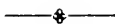
The meeting was then dissolved.

A true Record.

JOSEPH W. TUCKER, *City Clerk.*



# STATE LAWS.



## A N A C T

Concerning the Power of Cities.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The City Council of any city shall have power and authority to make all by-laws not inconsistent with the laws of the Commonwealth, that may be necessary to preserve the peace, good order, and internal police of such city, and they may annex suitable penalties, not exceeding twenty dollars for any one breach thereof, to be recovered by complaint before any Police Court in such city, or any Justice of the Peace in a city where no Police Court is established. *Provided*, That nothing herein contained shall be construed to affect the provisions of an Act entitled an Act to prevent obstructions in the streets of cities, and to regulate hackney coaches and other vehicles, passed at the present session of the Legislature.

SECT. 2. So much of an Act passed on the ninth day of April, in the present year, entitled an Act concerning the powers of cities or towns, as relates to any city in the Commonwealth, is hereby repealed.

[Approved by the Governor, April 24, 1847.]

## A N   A C T

Relating to a Public Cemetery in the City of Roxbury.

*Be it enacted, &c., as follows :*

SECT. 1. The City Council of Roxbury is hereby authorized to elect, by joint ballot in convention, a Board of five Commissioners, for the term of five years, who shall have the sole care, superintendence and management of the Rural Cemetery, established by said City Council ; one member of which board shall go out of office each year, and one member shall be chosen annually in the month of March : but said board or either member thereof, after having had an opportunity to be heard in his or their defence, may be removed at any time, by a concurrent vote of two-thirds of each branch of the City Council ; and in case of a vacancy in said board of Commissioners by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another Commissioner in the manner aforesaid, who shall hold his office for the residue of the term for which such member, so deceased, resigned or removed, would have held the same. Said board may be organized by the choice of a chairman and secretary from their own number, and a major part of said board shall constitute a quorum for the exercise of the powers and the performance of the duties of the said office. And the term for which the several members of the first board of Commissioners shall hold their office, shall be determined by the City Council as follows : The Commissioner first chosen, shall hold his office for five years ; the Commissioner next chosen, shall hold his office for four years ; the Commissioner next chosen, shall hold his office for three years ; the Commissioner next chosen, shall hold his office for two years ; and the Commissioner next chosen, shall hold his office for one year.

SECT. 2. The said Board of Commissioners shall set apart and appropriate a portion of said Cemetery as a public burial-place for the use of the inhabitants of the City of Roxbury, free of any charge therefor ; and they shall lay out said Cemetery in suitable lots, or other subdivisions, for family or other burial places, with all the necessary paths and avenues, and may plant and embellish the same with trees, shrubs, flowers, and other rural ornaments, and may enclose and divide the same with proper fences, and

erect or annex thereto such suitable edifices, appendages and conveniences, as they shall from time to time deem expedient; and said board may make all necessary by-laws, rules and regulations, in the execution of their trust, not inconsistent with this act and the laws of the Commonwealth, as they may deem expedient.

SECT. 3. Said Board of Commissioners shall have authority to grant and convey to any person or persons by deeds duly executed, the sole and exclusive right of burial, and of erecting tombs, cenotaphs, and other monuments in any of the designated lots or subdivisions of said Cemetery, upon such terms and conditions as they shall by their rules and regulations prescribe.

SECT. 4. The proceeds of sales of lots or rights of burial in said Cemetery, shall be paid into the city treasury, to be kept separate from any other funds of the city, and subject to the order of said Commissioners, and such proceeds shall be devoted to the liquidation of the debt incurred in the purchase of the land for said Cemetery, and to the improvement and embellishment thereof, as aforesaid, under the direction of said Board of Commissioners. And no other moneys shall be appropriated from the city treasury by the City Council, for such improvement and embellishment.

SECT. 5. Said Board of Commissioners shall annually, in the month of February, and whenever required by the City Council, make and render a report in writing of all their acts and proceedings, and of the condition of the Cemetery, and an account of the receipts and expenditures for the same, and the funds subject to their order.

SECT. 6. This act shall be void unless the City Council of Roxbury shall accept the same at a meeting of said City Council, called for that purpose, within thirty days after its passage.

SECT. 7. This act shall take effect from and after its passage.

[Approved by the Governor, March 24, 1848.]

[Accepted by the City Council.]

## A N   A C T

In Addition to an Act relating to a Public Cemetery in the City of Roxbury.

*Be it enacted, &c., as follows :*

SECT. 1. The Board of Commissioners of the Rural Cemetery in Roxbury, elected by the City Council, pursuant to an act approved March twenty-fourth, one thousand eight hundred and forty-eight, are authorized to take and hold any grant, donation, or bequest of property, upon trust, to apply the same, or the income thereof, for the improvement or embellishment of the said Cemetery, or for the erection, repair, preservation, or renewal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving the said premises in any other manner or form, consistent with the purposes for which said Cemetery is established, according to the terms of such grant, donation or bequest ; and whenever any such grant, donation or bequest, or any deposit shall be made by the proprietor of any lot in said Cemetery, for the annual repair, preservation or embellishment of such lot and the erections thereon, the said Commissioners may give to such proprietor, or his representative, an agreement or obligation, in such form, and upon such terms and conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot, forever, or for such period as may be agreed on.

SECT. 2. Any sums of money, so received by said Commissioners, shall be invested by the City Treasurer of Roxbury, under the direction of said Commissioners, in public stocks, or mortgages of real estate, and all such property received under the provisions of the foregoing section (unless other provision is made by the terms of any such grant, donation or bequest,) shall be made under the charge of said City Treasurer, but shall always remain separate from and independent of any other moneys or property belonging to the City of Roxbury, and free from the control of the City Council. And the income of such fund or funds shall be received by said Treasurer, subject to the order of said Commissioners, and shall be appropriated by them in such manner as shall, in their opinion, best

promote the purposes for which said grants, donations, bequest or deposits are made.

SECT. 3. The City of Roxbury shall be responsible for the good faith of said Commissioners and the Treasurer of said city, in the execution of any trust which they may assume pursuant to the foregoing provisions. But said Commissioners shall not be liable to make any renewal or reconstruction of any monument, or other erection, on any lots in said Cemetery, unless such liability shall be expressed in the agreement given by them as aforesaid, or in the terms and conditions under which they accept any grant, donation, or bequest.

SECT. 4. This act shall be void, unless the City Council of Roxbury shall accept the same at a meeting of said Council called for that purpose, within thirty days after its passage.

SECT. 5. This act shall take effect from and after its passage.

[Approved by the Governor, Feb. 25, 1852.]

[Accepted by the City Council.]

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## A N   A C T

Relating to Town and Private Ways.

*Be it enacted, &c., as follows :*

SECT. 1. When any town or private way shall be laid out, altered, or widened, by Selectmen or County Commissioners, they shall, in their report or return thereof, allow the owner of the land through which said way may pass, a reasonable time to take off his trees, fences, and other property, which may obstruct the building of such way.

SECT. 2. If said owner shall not remove the same within the time allowed for that purpose, he shall be deemed to have relinquished his right thereto for the benefit of the town, if said way be a town way ; and if said way be a private way, for the benefit of such person or persons as said Selectmen or County Commissioners shall determine.

SECT. 3. If a jury shall be ordered to assess the damages done by the location, alteration or widening of such way, they may extend the time for the owner of the land to remove his trees, fences and other property as aforesaid ;

and if the owner shall neglect to remove the same within such extended time, he shall be deemed to have relinquished his claim thereto, as before provided.

[Approved by the Governor, April 5, 1848.]

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## A N   A C T

To Regulate the Storage and Transportation of Gunpowder in the City of Roxbury.

*Be it enacted, &c., as follows :*

SECT. 1. No person shall keep or have, in any building or other place, within one hundred and fifty yards of any wharf or main land, in the City of Roxbury, any quantity of gunpowder exceeding twenty-five pounds, except in the discharge of military duty, or as hereinafter provided.

SECT. 2. The Mayor and Aldermen of said City of Roxbury may grant licenses for the sale of gunpowder in said city, which shall continue in force one year, unless sooner annulled by said Mayor and Aldermen ; and said Mayor and Aldermen may at any time annul said licenses for good cause ; and said Mayor and Aldermen may at any time within the year for which the said license may be granted, or from year to year, renew the same. For each original license there shall be paid a fee of five dollars, and for each renewal thereof a fee of one dollar, to be paid to the Treasurer of said city.

SECT. 3. The Mayor and Aldermen may make and establish rules and regulations relative to the times and places of transporting gunpowder in, through, and over said city, or any part thereof, either by land or water ; the kind of carriages, boats, ships or vessels, in and by which the same shall be transported ; the manner in which gunpowder shall be kept by such persons as have been licensed to keep the same ; and all such other rules and regulations relative to the keeping or transportation of gunpowder in said Roxbury, except in the performance of military duty, as to them may seem needful or expedient.

SECT. 4. Any gunpowder had and kept in said city, or transported in and through the same, except in the performance of military duty, or under a license, as hereinbefore provided, may be seized by any Engineer of the Fire

Department of said city, and by him safely kept, until disposed of, as hereinafter provided.

SECT. 5. When any gunpowder shall be so seized, the person seizing shall libel the same, in the manner provided by the one hundred and eighteenth chapter of the Revised Statutes, for the "seizing and libelling of forfeited goods;" and the same proceedings shall be had upon and in pursuance of said libel, as are provided in said chapter, from the twentieth to the thirty-fifth sections thereof, both inclusive, so far as said proceedings may conveniently be applied to the article of gunpowder; and all the provisions of that portion of said chapter above referred to shall be in force in relation to the seizure of gunpowder as above provided, as fully as if the article of gunpowder were specially mentioned therein.<sup>1</sup>

SECT. 6. Either of the Engineers of the Fire Department of said city may at any time enter into the place of business of any party licensed to keep gunpowder, for the purpose of ascertaining whether or not the provisions of this act, and the conditions of such party's license, have been duly observed and complied with.

SECT. 7. The rules and regulations hereinbefore referred to, relative to the transportation and keeping of gunpowder in said city, shall be posted up in reasonable time after the making thereof, in not less than eight public places in said city, and published in one or more newspapers printed in the County of Norfolk, and among the regular rules and ordinances of said city.

[Approved by the Governor, April 21, 1848.]

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## A N   A C T

Relating to Town and County Roads.

*Be it enacted, &c., as follows :*

The County Commissioners of the several counties, and the Selectmen of the several towns, and the Mayor and Aldermen of the several cities of this Commonwealth, shall cause permanent stone bounds, not less than three feet long, two feet of which, at least, shall be inserted in the earth, to be erected at the termini and angles of all roads

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<sup>1</sup> See additional Act of May 3, 1855.

hereafter laid out by them, when practicable; and when not practicable, a heap of stones, a living tree, a permanent rock, or the corner of an edifice, may be a substitute for said stones.

[Approved by the Governor, April 25, 1848.]

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## A N   A C T

Imposing a Penalty on Town or City Officers, for Neglect of certain Duties.

*Be it enacted, &c., as follows :*

If any Selectman, or other town or city officer, shall wilfully neglect or refuse to perform any of the duties required of him by the fifth chapter of the Revised Statutes, he shall forfeit a sum not exceeding two hundred dollars, to be recovered in the manner provided in the twelfth section of said fifth chapter.

[Approved by the Governor, May 2, 1848.]

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## A N   A C T

Concerning the Erection of Balustrades upon Buildings in Cities.

*Be it enacted, &c., as follows :*

The City Council of any city in this Commonwealth shall have power, from time to time, to make and adopt such rules and regulations for the erection and maintenance of balustrades, or other projections upon the roofs or sides of buildings, in such cities, as in their judgment the safety of the citizens may require. And the City Council of any city may annex penalties for the violation of any such rules and orders, not exceeding twenty dollars in any one instance; which penalties may be recovered, for the use of the city, by complaint before the Police Court of such city, or any Justice of the Peace in a city where no Police Court is established: *Provided*, That no such rule or order shall take effect or go into operation, until the same shall have



been published at least sixty days in some newspaper printed in such city or county within which such city is included.

[Approved by the Governor, May 9, 1848.]

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## AN ACT

### In Relation to Public Health.

*Be it enacted, &c., as follows :*

SECT. 1. All the powers vested in, and the duties prescribed to Boards of Health of towns, by the general laws, shall be vested in, and prescribed to City Councils of cities, in case no special provision to the contrary is made to such laws themselves, or in the special laws applicable to any particular city.

SECT. 2. The power and duties above named, may be exercised and carried into effect by City Councils, in any manner which they may prescribe, or through the agency of any persons to whom they may delegate the same, notwithstanding a personal exercise of the same, collectively or individually, is prescribed in the instance of towns, as above referred to. And City Councils are hereby authorized to constitute either branch, or any committee of their number, whether joint or separate, the Board of Health for all, or for particular purposes, within their own cities.

SECT. 3. Whenever any nuisance, source of filth, or cause of sickness, shall be found on private property, within any city, the Board of Health, or Health Officer, shall order the owner or occupant thereof to remove the same, at his own expense, within twenty-four hours, or such other time as they shall deem reasonable, after notice served as provided in the succeeding section ; and if the owner or occupant shall neglect so to do, he shall forfeit a sum not exceeding twenty dollars for every day during which he shall knowingly permit such nuisance or cause of sickness to remain, after the time prescribed as aforesaid for the removal thereof.

SECT. 4. The order mentioned in the last section shall be communicated by a written notice, served personally upon the owner, occupant, or their authorized agent, or by any person competent to serve a notice in a civil suit ; or

such notice may be left at the owner, occupant or agent's last and usual place of abode, if the same be known, and is within the State ; and if the owner or agent's residence is unknown, or without the State, the premises being unoccupied, then such notice may be served by posting up the same on the premises, and by advertising in one or more public newspapers, in such manner and for such length of time as the Board of Health, or Health Officer, shall deem expedient.

SECT. 5. If the owner or occupant shall not comply with the order above mentioned, the Board of Health may cause the said nuisance, source of filth, or cause of sickness to be removed, and all expenses incurred thereby shall be paid by the said owner or occupant, or by such other person as shall have caused or permitted the same, if said owner or occupant, or such other person, shall have had actual notice from the Board of Health, of the existence of said nuisance, source of filth, or cause of sickness.

SECT. 6. All expenses incurred by any town or city in the removal of nuisances or for the preservation of the public health, and which are recoverable of any private person or corporation, by virtue of any provisions of law, may be sued for and recovered in an action of debt, before any court having jurisdiction of the amount claimed.

SECT. 7. All fines and forfeitures incurred under the general laws, or the special laws applicable to any town or city, or the ordinances, by-laws and regulations of any town or city, relating to health, shall enure to the use of such town or city ; and may be recovered by complaint, in the name of the Treasurer, before any Justice of the Peace of the county, or Police Court of the city in which the offence may be committed.

SECT. 8. The tenth, eleventh and forty-sixth sections of the twenty-first chapter of the Revised Statutes, and so much of the act of one thousand eight hundred and sixteen, chapter forty-four, relating to the Board of Health for the Town of Boston, as is inconsistent with the foregoing provisions, are hereby repealed, saving all proceedings and causes of proceeding, and forfeitures incurred under and by virtue of such repealed acts.

[Approved by the Governor, May 2, 1849.]

## A N A C T

## In Relation to the Laying out of Highways and other Ways.

*Be it enacted, &c., as follows :*

In all cases where any suit shall hereafter be brought, wherein the validity or legal effect of the proceedings of any County Commissioners, Selectmen, town, city, or Mayor and Aldermen, in respect to the laying out, altering, or discontinuing of any way, which laying out, altering, or discontinuing shall take place after the passage of this act, shall be drawn in question, the time limited for applications for a jury, to assess the damages caused by such laying out, alteration or discontinuance, shall be so far extended, that such application may be made at any time within one year after the final determination of any such suit ; *provided*, that such suit shall have been brought within one year from the time of such laying out, altering, or discontinuance.

[Approved by the Governor, May 2, 1849.]

## A N A C T

## In Relation to Railroad Crossings.

*Be it enacted, &c., as follows :*

SECT. 1. The application now required by the eightieth section of the thirty-ninth chapter of the Revised Statutes to be made by Selectmen to County Commissioners, in the matter of a crossing; by a railroad, of any turnpike, highway or town way, may, when said crossing is within the limits of the City of Boston, be made, by any two inhabitants of said city, to the Mayor and Aldermen thereof, and such inhabitants shall be liable for costs when the Railroad Corporation shall be the prevailing party, and before the hearing of the application shall give bonds, with sufficient surety, for the payment of such costs, if the Mayor and Aldermen shall so adjudge.

SECT. 2. The foregoing provisions, and the provisions of the seventy-ninth, eightieth, and eighty-first sections of the thirty-ninth chapter of the Revised Statutes, are hereby

declared applicable to all crossings by railroads of any highway, turnpike, town way, or travelled place, upon the same level therewith, which now does or may hereafter exist; *provided*, that whenever it shall be adjudged that a Railroad Corporation shall provide security against a travelled place, not laid out and adjudged to be a town way or highway, the said Corporation shall provide a gate for the same, or bars, as the County Commissioners shall order.

SECT. 3. The County Commissioners may direct gates to be built across the turnpike, highway or town way when the same crosses such railroad, instead of across said railroad.

SECT. 4. The original jurisdiction of all questions touching obstructions to turnpikes, highways, or town ways, caused by the construction or operation of railroads, shall be vested in the County Commissioners of their respective counties wherein such obstructions shall occur.

SECT. 5. The Supreme Judicial Court shall have jurisdiction in equity, and may compel Railroad Corporations to raise or lower any turnpike, highway, or town way, when the County Commissioners have decided, or may decide, in due and legal form, that such raising or lowering of any such way is necessary for the security of the public, and to compel Railroad Corporations to comply with the orders, decrees and judgments of County Commissioners, in all cases touching obstructions, by railroads, in any of said ways.

[Approved by the Governor, May 2, 1849.]

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## A N   A C T

Concerning Truant Children, and Absentees from School.

*Be it enacted, &c., as follows :*

SECT. 1. Each of the several cities and towns in this Commonwealth, is hereby authorized and empowered to make all needful provisions and arrangements concerning habitual truants, and children not attending school, without any regular and lawful occupation, growing up in ignorance, between the ages of six and fifteen years; and also all such ordinances and by-laws, respecting said children, as shall be deemed most conducive to their welfare, and

the good order of such city or town; and there shall be annexed to such ordinances suitable penalties, not exceeding, for any one breach, a fine of twenty dollars; *provided*, that said ordinances and by-laws shall be approved by the Court of Common Pleas for the county, and shall not be repugnant to the laws of the Commonwealth.

SECT. 2. The several cities and towns, availing themselves of the provisions of this act, shall appoint, at the annual meetings of said towns, or annually by the Mayor and Aldermen of said cities, three or more persons, who alone shall be authorized to make the complaints, in every case of violation of said ordinances or by-laws, to the Justice of the Peace, or other judicial officer, who by said ordinances shall have jurisdiction in the matter; which persons, thus appointed, shall alone have authority to carry into execution the judgments of said Justices of the Peace, or other judicial officers.

SECT. 3. The said Justices of the Peace, or other judicial officers, shall in all cases, at their discretion, in place of the fine aforesaid, be authorized to order children proved before them to be growing up in truancy, and without the benefit of the education provided for them by law, to be placed, for such periods of time as they may judge expedient, in such institution of instruction, or house of reformation, or other suitable situation, as may be assigned or provided for the purpose, under the authority conveyed by the first section of this act, in each city or town availing itself of the powers herein granted.

[Approved by the Governor, May 3, 1850.]

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## A N   A C T

. Providing for the Appointment of Police Officers.

*Be it enacted, &c., as follows :*

The Mayor and Aldermen of the several cities, and the Selectmen of the several towns in this Commonwealth, may from time to time, appoint such Police Officers for their respective cities and towns as they may judge necessary, with all or any of the powers of Constables, except the power of serving and executing any civil process. And

the said Police Officers shall hold their offices during the pleasure of the Mayor and Aldermen, and Selectmen, by whom they are respectively appointed.

[Approved by the Governor, May 15, 1851.]

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## A N   A C T

Relating to the Erection and Use of Buildings for Stables and Bowling Alleys.

*Be it enacted, &c., as follows :*

SECT. 1. If any person shall erect, occupy or use any building, in any city or town, for a stable for more than four horses, or for a bowling alley, except in such parts of such city as the Mayor and Aldermen thereof, or of such town as the Selectmen thereof shall direct, he shall forfeit a sum not exceeding fifty dollars, for every month he shall so occupy or use such building, and in the like proportion for a longer or shorter time. And the Supreme Judicial Court, or any one of the Justices thereof, either in term time or vacation, may issue an injunction to prevent such erection, occupancy or use, without such direction.

SECT. 2. This act shall not be in force in any city unless the City Council thereof, nor in any town unless the inhabitants thereof, at a legal meeting, shall, within sixty days from the passing hereof, by vote adopt the same.

SECT. 3. This act shall take effect from and after its passage.

[Approved by the Governor, May 24, 1851.]

[Adopted by the City Council.]

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## A N   A C T

Concerning Streets and Ways in the City of Roxbury.

*Be it enacted, &c., as follows :*

SECT. 1. When any street or way, which now is, or hereafter shall be opened in the City of Roxbury, over any private land, by the owners thereof, and dedicated to or permitted to be used by the public, before such street

shall have been accepted and laid out according to law, it shall be the duty of the owners of the lots abutting thereon, to grade such street or way at their own expense, in such manner as the safety and convenience of the public shall, in the opinion of the Mayor and Aldermen of said city, require; and if the owners of such abutting lots shall, after reasonable notice given by the said Mayor and Aldermen, neglect or refuse to grade such street or way in manner aforesaid, or to close the same from the public, if the same shall not have been dedicated to the public use, it shall be lawful for the said Mayor and Aldermen to cause the same to be graded as aforesaid, and the expense thereof shall, after due notice to the parties interested, be equitably assessed upon the owners of such abutting lots, by the said Mayor and Aldermen, in such proportions as they shall judge reasonable; and all assessments so made shall be a lien upon such abutting lands, in like manner as taxes are now a lien upon real estate; *provided, always*, that nothing contained in this act shall be construed to affect any agreements heretofore made respecting any such streets or ways as aforesaid, between such owners and said city: *provided, also*, that any such grading of any street or way, by the Mayor and Aldermen as aforesaid, shall not be construed to be an acceptance of such street or way by the City of Roxbury.

SECT. 2. No street or way shall hereafter be opened as aforesaid in said city, of a less width than thirty feet, except with the consent of said Mayor and Aldermen, in writing, first had and obtained for that purpose.

SECT. 3. This act shall take effect in thirty days from the passing thereof, unless the City Council of said city shall within that time vote not to accept the same.

[Approved by the Governor, April 12, 1853.]

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## A N   A C T

In Relation to the Grades of certain Streets and Ways.

*Be it enacted, &c., as follows :*

SECT. 1. When any street or way, which now is, or hereafter shall be opened, in any city or town which shall

accept this act as hereinafter provided, over any private land by the owners thereof, and dedicated to or permitted to be used by the public, before such street or way shall have been accepted, and laid out according to law, it shall be the duty of the owners of the lots abutting thereon, to grade such street or way at their own expense, in such manner as the safety and convenience of the public shall, in the opinion of the Mayor and Aldermen of any city, or Selectmen of any town, require; and if the owners of such abutting lots shall, after reasonable notice given by the said Mayor and Aldermen, or Selectmen, neglect or refuse to grade such street or way in manner aforesaid, or to close the same from public use, it shall be lawful for the said Mayor and Aldermen, or Selectmen, to cause the same to be graded as aforesaid, and the expense thereof shall, after due notice to the parties interested, be equitably assessed upon the owners of such abutting lots, by the said Mayor and Aldermen, or Selectmen, in such proportions as they shall judge reasonable; and all assessments so made shall be a lien upon such abutting lands, in the same manner as taxes are now a lien upon real estate; *provided, always*, that nothing contained in this act shall be construed to affect any agreements heretofore made, respecting any such streets or ways as aforesaid, between such owners and any city or town; *provided, also*, that any such grading of any street or way, by the Mayor and Aldermen, or Selectmen, as aforesaid, shall not be construed to be an acceptance of such street or way by any such city or town, and that the said grading of such street or way, by any such owners, or on such notice or procurement of such Mayor and Aldermen, or Selectmen, shall not be construed to be a dedication to the public use of any such street or way, or any part thereof, by the owner or owners of the same.

SECT. 2. The Mayor and Aldermen of any city, or the Selectmen of any town, by which this act shall be accepted, are hereby authorized to fix and establish the grade of any street or way mentioned in the first section of this act, before the same is actually graded as therein provided, or of any other street or way not legally accepted, and to cause a plan of such grade to be deposited in the office of the Clerk of such city or town; and all those who improve the lots abutting on any such street or way after the grade of



it shall have been so established and recorded, shall, in their improvements, either by building or otherwise, conform to said grade, and shall be entitled to no damages for the making of such street or way according to said grade, provided such street or way be actually made within two years after the grade thereof is established and recorded. The establishing and recording of the grade of any street or way as aforesaid, shall not be considered an acceptance of such street or way by any city or town.

SECT. 3. No street or way, mentioned in the first and second sections of this act, shall be dug up, or in any way obstructed in any part thereof, without the consent of the Mayor and Aldermen of the city or the Selectmen of the town in which such street or way is situated.

SECT. 4. This act shall not take effect in any city or town until it shall have been accepted by the City Council of such city, or by the inhabitants of such town, at a legal meeting.

[Approved by the Governor, May 11, 1853.]

[Accepted by the City Council, June 27, 1853.]

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## A N A C T

Concerning the Election of City, Town, and County Officers.

*Be it enacted, &c., as follows :*

SECT. 1. In all elections hereafter holden for the choice of town, city, or county officers, by the people, the person receiving the highest number of votes, shall be declared elected.

SECT. 2. Whenever two or more persons are to be elected to the same office, the several persons, to the number required to be chosen, having the highest number of votes, shall be declared elected.

SECT. 3. All acts and parts of acts, inconsistent herewith, are hereby repealed.

SECT. 4. This act shall take effect from and after its passage.

[Approved by the Governor, Feb. 27, 1854.]

## A N   A C T

In Relation to Prosecutions for Fines enuring to the Use  
of Cities.

*Be it enacted, &c., as follows :*

SECT. 1. The City Marshal, or other principal police officer of any city in the Commonwealth, may prosecute for all fines and forfeitures which may enure to the use of such city, or of the poor thereof, and may also prosecute for trespasses committed on any public building or inclosure within the limits of such city.

SECT. 2. So much of the sixty-second and sixty-third sections of the fifteenth chapter of the Revised Statutes as is inconsistent with the provisions of this act, is hereby repealed.

[Approved by the Governor, April 29, 1854.]

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A N   A C T

To Regulate the Sidewalks in the City of Roxbury.

*Be it enacted, &c., as follows :*

SECT. 1. Whenever the Mayor and Aldermen of the City of Roxbury shall deem it expedient to construct sidewalks in any of the streets or portions of streets in said city, they are hereby empowered and authorized to furnish such edgestones as may be required therefor, the abutters bearing the expense of the materials; and whenever two-thirds of the abutters on any street shall unite in a petition to the City Government for the construction in their street of sidewalks with edgestones, and for the covering said sidewalks with brick, flat stones or plank, the same shall be made, and the expense of the above-named materials shall be assessed upon the abutters, in proportion to the length of the lines of their respective estates on said street; and it is herein further provided, that in case of refusal of any abuttor or abutters to pay the amount so assessed, in such time as said City Government of Roxbury shall designate, then such amount or amounts shall be recovered by an action of contract to be brought by the Mayor and Alder-

men of said city, or by any other person or persons duly authorized for the purpose, before any tribunal or court having competent jurisdiction in the premises.

SECT. 2. This act shall take effect from and after its passage.

[Approved by the Governor, March 26, 1855.]

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## A N A C T

To establish a Police Court in the City of Roxbury.

*Be it enacted, &c., as follows :*

SECT. 1. A Police Court is hereby established in the City of Roxbury, to consist of one competent and discreet person, to be appointed and commissioned by the Governor, pursuant to the Constitution, as Standing Justice.

SECT. 2. The said Court shall have original and exclusive jurisdiction over all crimes, offences and misdemeanors committed within said City of Roxbury whereof Justices of the Peace now have or may hereafter have jurisdiction; also of all suits and actions which may now or at any time hereafter be heard, tried and determined before any Justice of the Peace in the County of Norfolk, whenever all the parties shall reside in Roxbury, and service of the writ shall be had on the defendant in said county; but the jurisdiction of the Court of Common Pleas shall not be affected by this act. The said Court shall have original and concurrent jurisdiction, with Justices of the Peace, in said County of Norfolk, over all crimes, offences and misdemeanors, whereof Justices of the Peace within said county now have or may have jurisdiction; also of all suits and actions within the jurisdiction of any Justice of the Peace within the County of Norfolk.

SECT. 3. An appeal shall be allowed from all judgments of said Police Court in like manner and to the same extent that appeals are now allowed by law from judgments of Justices of the Peace; and the Justice of said Police Court shall not be or act as counsel for any party in any cause which may be pending in said Court, or which shall have been heard, tried or examined therein.

SECT. 4. The Justice of said Court shall receive an annual salary of not less than one thousand dollars, the

amount of which, if above that sum, shall be determined not oftener than once in each year by the concurrent vote of the City Council of said city; and said salary shall be paid in equal quarterly payments out of the treasury of said city, and shall be in full for all services which he is or may hereafter be required or authorized to perform as said Justice.

SECT. 5. A Court shall be held by said Justice, at some suitable place in said City of Roxbury, to be provided at the expense of said city, on every day of the week, Sundays, Christmas, the Fourth of July, and public days of Thanksgiving and Fast excepted, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences and misdemeanors; and on one day in each week, to be appointed and made known by said Justice, for the entry and trial of civil actions. And said Justice may adjourn said Court, as Justices of the Peace may now adjourn the same hearings or trials; and he shall from time to time establish all necessary rules for the orderly and uniform conducting of the business of the Court.

SECT. 6. The Justice of said Court shall keep a fair record of all proceedings in said Court, and shall make return to the several Courts of all legal processes and of his doings therein in the same manner as Justices of the Peace are now by law required to do; and he shall also annually, in the month of December, exhibit to the City Council of said City of Roxbury, a true and faithful statement of all moneys received by him as fees.

SECT. 7. All fines and forfeitures and all costs in criminal prosecutions in said Court shall be received by said Justice, and shall be by him accounted for and paid over to the same persons in the same manner and under the same penalties as are by law prescribed in the case of Justices of the Peace. All costs in such prosecutions not thus received shall be made up, taxed, certified and allowed, and shall be paid in like manner as is provided in case of Justices of the Peace.

SECT. 8. All fees and charges of said Justice, both in civil and criminal proceedings, shall be received by him, and by him accounted for and paid to the Treasurer of said City of Roxbury, quarterly.

SECT. 9. The jurisdiction of said Police Court shall not

be limited by reason of any interest on the part of the Justices of said Court in the payment of fines and costs into the treasury of said City of Roxbury or County of Norfolk.

SECT. 10. There shall be appointed by the Governor, by and with the advice and consent of the Council, two Special Justices of said Court, either of whom shall have power, in case of the absence, sickness, interest, or other disability of the Standing Justice, to issue the processes of said Court, to hear and determine any matter or cause pending, and to exercise all the powers of the Standing Justice, until such disability be removed. And said Special Justices shall be paid for the services as performed by them, out of the salary of the Standing Justice, such sum as the Standing Justice would be entitled to for the same service.

SECT. 11. All suits, actions and prosecutions, which shall be pending within said City of Roxbury before any Justice of the Peace when this act shall take effect, shall be heard and determined as though this act had not passed.

SECT. 12. The Governor shall have power, by and with the advice and consent of the Council, to appoint said Standing and Special Justices at any time after receiving notice of the acceptance of this act by the City Council of Roxbury.

SECT. 13. The City Council of Roxbury may, whenever the business of said Court shall, in the judgment of said Council, require it, elect, by concurrent vote, a suitable person to act as Clerk of said Court. Such Clerk, when determined on, shall be chosen annually, and shall be sworn to the faithful performance of the duties of his office, and shall give bond to the City of Roxbury in such sum as the Mayor and Aldermen of said city shall from time to time determine, with surety or sureties to the acceptance of the City Treasurer, with condition for the faithful performance of the duties of his office. Said Clerk shall not be retained or employed as counsel or attorney in any suit, complaint, or other proceeding whatever before said Court, nor in any which shall have been heard and tried or examined therein. Said Clerk, when chosen, shall perform all the duties required of said Standing Justice by sections six, seven and eight of this act. In case of the death or absence of said Clerk after he shall have been chosen, the Court shall appoint a Clerk *pro tempore*, who shall act until the Standing Clerk shall resume the duties of his office, or another

shall be chosen, as herein provided; said Clerk *pro tempore* shall receive the same rate of compensation for his services as the Standing Clerk, to be paid out of the salary of said Standing Clerk. Said Standing Clerk shall receive in full compensation for all his services as Clerk, except for certificates and copies of papers and proceedings of said Court, such sum, annually, as shall be annually fixed upon by concurrent vote of the City Council; and said salary shall be paid quarterly from the treasury of the City of Roxbury.

SECT. 14. This act shall be void, unless the City Council of Roxbury shall, by concurrent vote, accept the same within sixty days from and after its passage.

[Approved by the Governor, April 9, 1855.]

[Adopted by the City Council, April 27, 1855.]

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## A N A C T

Regulating the Use of Steam Engines and Furnaces.

*Be it enacted, &c., as follows:*

SECT. 1. No furnace for melting of iron, or stationary steam engine, designed for use in any mill for the planing or sawing of boards, or turning of wood in any form, or when any other fuel than coal is used to create steam, shall hereafter be erected, or put up to be used, in any city or town in this Commonwealth, unless the Mayor and Aldermen of such city, or Selectmen of such town, shall have previously granted license therefor, designating the place where the building or buildings shall be erected, in which such steam engine or furnace shall be used, the materials and construction thereof, and such other provisions and limitations, as to the height of flues, and protection against fire, as they shall judge necessary for the safety of the neighborhood; such license to be granted on written application, and to be recorded in the records of such city or town.

SECT. 2. Whenever the Mayor and Aldermen of any city, or the Selectmen of any town, after due notice in writing to the owner of any such steam engine or furnace heretofore erected, or in use, and a hearing of the matter, shall adjudge the same to be dangerous, or a nuisance to

the neighborhood, they may make and record an order, prescribing such rules, restrictions and alterations, as to the building in which such steam engine or furnace is constructed or used, the construction and height of its smoke-flues, or other provisions, as they shall deem the safety of the neighborhood to require; and it shall be the duty of the City or Town Clerk to deliver a copy of such order to a Constable, who shall serve such owner with an attested copy thereof, and make return of his doings thereon to said Clerk, within three days from the delivery thereof to him.

SECT. 3. Any such engine or furnace hereafter erected, without license made and recorded as aforesaid in section first, shall be deemed and taken to be a common nuisance, without any other proof thereof than proof of its use; and any steam engine or furnace used contrary to the provisions of section second of this act, shall be taken and deemed to be a common nuisance.

SECT. 4. The Mayor and Aldermen of any city, or Selectmen of any town, shall have the same power and authority to abate and remove any such steam engine or furnace erected or used contrary to the provisions of this act, as are given to the Board of Health, in the tenth and eleventh sections of the twenty-first chapter of the Revised Statutes.

SECT. 5. Whenever application shall be made for license as aforesaid, the Mayor and Aldermen of any city, or Selectmen of any town, shall assign a time and place for the consideration of the same, and shall cause public notice thereof to be given at least fourteen days beforehand, in such manner as said Mayor and Aldermen, or Selectmen, may direct, and at the expense of the applicant, in order that all persons interested may be heard before the granting of a license.

SECT. 6. Any owner of a steam engine or furnace, aggrieved by any such order, as provided in section second of this act, may apply to the Court of Common Pleas, if sitting in the county in which such engine or furnace is situated, or to any Justice thereof in vacation, for a jury, and such Court of Justice shall issue a warrant for a jury to be impannelled by the Sheriff, in the same manner as is provided in the twenty-fourth chapter of the Revised Statutes, in regard to the laying out of highways; such application shall be made within three days after such order is

served upon the said owner; and the said jury shall be impannelled within fourteen days from the issuing of said warrant.

SECT. 7. Upon any application to said Court of Common Pleas, or to any Justice thereof, for a jury, said Court or Justice, on granting the same, may, in its or his discretion, issue an injunction restraining the further use of such engine or furnace, until the final determination of said application by the jury and court to which such verdict may be returned.

SECT. 8. The jury shall find a verdict either affirming or annulling the said order in full, or making alterations therein, as they may see fit; which verdict shall be returned to the next term of the said Court by the Sheriff for acceptance, in like manner as in the case of highways, and which verdict being accepted, shall be binding to the same effect as the original order would have been without such appeal.

SECT. 9. If the verdict shall affirm such order, costs shall be recovered by the city or town against such applicant; if the verdict shall annul such order in whole, damages and costs shall be recovered by the complainant against such city or town; and in case the verdict shall alter such order in part, the Court may render such judgment as to costs, as to justice shall appertain.

SECT. 10. This act shall not be in force in any town or city, unless the inhabitants of the town or the City Council of the city, shall adopt the same at a legal meeting of said inhabitants or City Council called for that purpose.

SECT. 11. This act shall take effect from and after its passage.

[Approved by the Governor, April 25, 1845.]

[Adopted by the City Council, April 30, 1855.]

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## A N A C T

Relating to the By-Laws of Cities and Towns.

*Be it enacted, &c., as follows :*

Whenever the inhabitants of any town, or the City Council of any city, in this Commonwealth, shall, in any lawful by-law, impose a duty, and shall affix a penalty for



neglect or refusal to perform the same, they may also provide that the said duty, in case of such neglect and refusal, may be performed by officers named in such by-law, at the expense of the party liable, which may be recovered by action of contract, in the name of any such city or town, in any court competent to try the same. But the amount recovered shall never exceed the amount of the penalty fixed in such by-law.

[Approved by the Governor, May 3, 1855.]

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## A N   A C T

In addition to an Act to Regulate the Storage and Transportation of Gunpowder in the City of Roxbury.

*Be it enacted, &c., as follows :*

SECT. 1. Whenever by virtue of an act to regulate the storage and transportation of gunpowder in the City of Roxbury, passed the twenty-first day of April, in the year eighteen hundred and forty-eight, any gunpowder shall be seized and libelled, and upon trial it shall appear that such gunpowder was lawfully seized, the same shall be decreed to be forfeited, and shall be disposed of according to the provisions of the one hundred and eighteenth chapter of the Revised Statutes concerning the seizing and libelling of forfeited goods.

SECT. 2. This act shall take effect from and after its passage.

[Approved by the Governor, May 3, 1855.]

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## A N   A C T

In Relation to Offensive Trades.

*Be it enacted, &c., as follows :*

SECT. 1. The Board of Health of any city or town in this Commonwealth may, from time to time, assign certain places for the exercising of any trade or employment which is a nuisance, or hurtful to the inhabitants or their estates, dangerous to the public health, or the exercise of which is

attended by noisome or injurious odors, or otherwise injurious to their estates; and they may forbid the exercise of either of them in places not so assigned; and the said board may also forbid the exercise of such trade or employment within the limits of the city or town, or in any particular locality thereof.

SECT. 2. All orders of the Board of Health, as provided in the first section, shall be served upon the occupant of the place where such trade or employment is exercised, or upon any person having charge thereof; and in case of neglect or refusal to obey such order within twenty-four hours after the said service, by such occupant or other person, they and each of them shall be liable to a fine of not less than fifty dollars, nor more than five hundred dollars, to be recovered by indictment; and in case of such neglect or refusal, it shall be the duty of said Board of Health to prevent the exercise of such trade or employment, and to take all necessary measures to that end.

SECT. 3. Any person aggrieved at any such order of the Board of Health may apply to the Court of Common Pleas, if sitting in the county in which such order is made, or to any Justice thereof in vacation, for a jury; and such Court or Justice shall issue a warrant for a jury to be impannelled by the Sheriff in the same manner as is provided in the twenty-fourth chapter of the Revised Statutes in regard to the laying out of highways. Such application shall be made within three days after the service of such order, and the jury shall be impannelled at such time and place as the Court or Justice may direct.

SECT. 4. In case of appeal, as provided in the preceding section, such trade or employment shall not be exercised while the same is pending; and in case of any violation of this section, said appeal shall be dismissed forthwith.

SECT. 5. The jury shall find a verdict, either affirming or annulling the said order in full, or making alteration therein, as they may see fit, which verdict shall be returned to the next term of the said Court by the Sheriff, for acceptance, in like manner as in the case of highways, and which verdict, being accepted, shall be binding to the same effect as the original order would have been without such appeal.

SECT. 6. If the verdict shall affirm such order, costs shall be recovered by the city or town against such appli-

cant ; if the verdict shall annul such order in whole, damages and costs shall be recovered by the complainant against such city or town ; and in case the verdict shall alter such order in part, the Court may render such judgment, as to costs, as to justice shall appertain.

SECT. 7. This act shall take effect from and after its passage ; but it shall not be in force in any city or town, unless the inhabitants of such town, or the City Council of such city, shall adopt the same at legal meetings.

[Approved by the Governor, May 18, 1855.]

[Adopted by the City Council, July 16, 1855.]

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## A N   A C T

For the Suppression of certain Common Nuisances.

*Be it enacted, &c., as follows :*

SECT. 1. All buildings, places, or tenements, used as houses of ill fame, resorted to for prostitution, lewdness, or for illegal gaming, or used for the illegal sale or keeping of intoxicating liquors, are hereby declared to be common nuisances, and are to be regarded and treated as such.

SECT. 2. Any person keeping or maintaining any such common nuisance, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the county jail not more than one year.

SECT. 3. If any person, being a tenant or occupant, under any lawful title, of any building or tenement not owned by him, shall use said premises, or any part thereof, for any of the purposes enumerated in the first section of this act, such use shall annul and make void the lease or other title under which said occupant holds, and without any act of the owner, shall cause to revert and vest in him the right of possession thereof ; and said owner may make immediate entry, without process of law, upon the premises, or he may avail himself of the remedy provided in the one hundred and fourth chapter of the Revised Statutes ; and the provisions of said chapter shall be deemed to extend to all such cases ; and any person appealing from any judgment rendered upon said complaint, shall be required

to enter into the same recognizance now provided by the one hundred forty-second chapter of the laws of eighteen hundred and forty-eight.

SECT. 4. If any person shall knowingly let any building or tenement, owned by him or under his control, for any of the purposes in the first section of this act enumerated, or shall knowingly permit any such building or tenement, or any part thereof, to be so used while under his control, or shall, after due notice of any such use of said building or tenement, omit to take all reasonable measures to eject the said person or persons from said premises, as soon as the same may lawfully be done, he shall be deemed and taken to be guilty of aiding in the maintenance of such nuisance, and be punished by a fine of not less than one hundred, nor more than one thousand dollars, or by imprisonment in the county jail not less than thirty days, nor more than six months.

[Approved by the Governor, May 19, 1855.]

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## A N   A C T

### Concerning the Election of Civil Officers.<sup>1</sup>

*Be it enacted, &c., as follows :*

SECT. 1. In order to determine the result of any election of any civil officer or officers in this Commonwealth, the whole number of persons who voted at such election shall first be ascertained by counting the whole number of separate ballots given in, and the person or persons who shall receive the highest number of votes shall be deemed and declared to be elected; and in all returns of elections the whole number of ballots given shall be distinctly stated, but blank pieces of paper shall not be counted as ballots.

SECT. 2. If at any election where more than one civil officer is to be elected to the same office, any two or more candidates shall receive an equal number of votes, being a plurality, by reason whereof the whole number to be elected cannot be completed, the candidates having such equal number of votes, shall be deemed not to be elected.

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<sup>1</sup> Does not apply to representative bodies of men. Act 1857, ch. 185.

SECT. 3. All acts or parts of acts, inconsistent herewith, or with the fourteenth article of the amendments to the Constitution of Massachusetts, are hereby repealed.

[Approved by the Governor, May 5, 1856.]

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[Chapter 171 of the Acts of 1857, relates to the returns of Elections for National, State and County Officers.]

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### A N   A C T

Relating to the Fire Department of the City of Roxbury.

*Be it enacted, &c., as follows :*

SECT. 1. The Engineers of the Fire Department of the City of Roxbury, shall have the same authority in regard to the prevention and extinguishment of fires, and the performance of other offices and duties, as are now conferred upon fire-wards, by the statutes of this Commonwealth.

SECT. 2. The said Engineers shall have authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are deposited, and to require the removal of such materials, or the adoption of suitable safeguards against fire. And the City Council of said city, are hereby authorized to make suitable ordinances, on the subject referred to in this section, and to annex penalties, not exceeding twenty dollars, for the breach thereof.

SECT. 3. Nothing in this act contained, shall be construed as taking away any right, power or authority now given by law to the Engineers, or other officers of said Fire Department.

SECT. 4. This act shall be void, unless the City Council of said city, shall, by a concurrent vote, accept the same within sixty days from and after its passage.

[Approved by the Governor, May 18, 1857.]

[Accepted by the City Council, July 6, 1857.]

## A N A C T

## Concerning Vacancies in School Committees.

*Be it enacted, &c., as follows :*

SECT. 1. Whenever any member or members of the School Committee of any city or town shall decline further service, or from change of residence or otherwise, shall become unable to attend to the duties of said board, the remaining members thereof shall, in writing, give notice of the fact to the Selectmen of the town, or to the Mayor and Aldermen, if it be a city; the two boards shall, then, after giving public notice of at least one week, proceed, by joint ballot, to fill such vacancy, or vacancies; and a majority of the ballots of all persons entitled to vote shall be held to be necessary to a choice at such election.

SECT. 2. The same proceedings as above prescribed shall be had in case of a vacancy caused by the refusal of any person, elected as member of any School Committee, to accept said office, after having been notified of such election according to the two hundred and eighty-third chapter of the acts of eighteen hundred and fifty-three; and in case all the persons elected as members of the School Committee, shall, after such due notice, decline accepting said office, or having accepted thereof, shall afterwards decline further service, the Selectmen, or the Mayor and Aldermen, shall, after giving due public notice, proceed, by ballot, to elect a new board; and the votes of a majority of the entire Board of Selectmen, or of Mayor and Aldermen, shall be necessary to an election.

SECT. 3. Any person elected in accordance with the provisions of this act, shall have the same powers and duties as if he had been chosen a member of the School Committee in any other legal manner: *provided, however*, that in all cases the term of service of such member shall end with the municipal or official year in which he may be chosen; and if the vacancy was in the first instance for a longer period, it shall at the first annual election after the occurrence of said vacancy, be filled in the manner prescribed for original elections to the School Committee.

SECT. 4. Chapter one hundred and forty-four of the acts of eighteen hundred and forty-nine; chapter three

hundred and nine of the acts of eighteen hundred and fifty-one; chapter one hundred and one of the acts of eighteen hundred and fifty-six, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECT. 5. This act shall take effect from and after its passage.

[Approved by the Governor, May 30, 1857.]

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## A N   A C T

To provide for the Preservation of Books, Reports and Laws, received by Cities and Towns from the Commonwealth.

*Be it enacted, &c., as follows :*

SECT. 1. It shall be the duty of the City Government of the several cities, and of the Selectmen of the several towns in this Commonwealth, to provide at the expense of such cities and towns, some suitable cabinet or book-case, for the safe preservation of such books, reports and laws, as said cities and towns may receive from the Commonwealth.

SECT. 2. For every month that any city or town shall neglect to fulfil the requirements of this act, it shall forfeit and pay the sum of ten dollars, one half of which penalty shall be paid to the complainant, and one half to the Commonwealth.

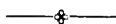
SECT. 3. This act shall go into effect on the first day of July next.

[Approved by the Governor, March 26, 1858.]





# CITY ORDINANCES.



[No. 1.]

## AN ORDINANCE

Prescribing the manner of Recording the Ordinances of the City.

*Be it ordained by the City Council of the City of Roxbury, as follows :*

SECT. 1. All ordinances which shall be passed by the Mayor and Aldermen and Common Council of said city, shall be engrossed or recorded by the City Clerk, in a fair and legible hand, without interlineation or erasure, in the order in which they shall pass to be ordained, in a book to be kept for that purpose, made of strong linen paper, with proper margins and index, to be lettered "Record of Ordinances of the City of Roxbury."

SECT. 2. Said Book of Records shall be preserved in the office of the City Clerk, subject to the inspection of the citizens.

[Passed May 18, 1846.]



[No. 2.]

## AN ORDINANCE

Concerning the Form of Warrants, and the Service and Return thereof.

*Be it ordained, &c., as follows :*

SECT. 1. The form of Warrants for calling meetings of the citizens of the several Wards shall be as follows, viz :

~~~~~  
L.S.  
~~~~~

## CITY OF ROXBURY.

*To either of the Constables of the City of Roxbury, Greeting:* In the name of the Commonwealth of Massachusetts, you are hereby required, forthwith, to warn the inhabitants of Ward No. —, qualified as the law directs, to assemble at —, on the — day of —, at — o'clock —. M., then and there to —. Hereof fail not, and have you there then this Warrant, with your doings thereon.

Witness, —, Mayor of our said City of Roxbury, the — day of —, in the year of our Lord one thousand eight hundred and —.

By order of the Mayor and Aldermen.

—, *City Clerk.*

SECT. 2. All Warrants for calling meetings of the citizens of the several Wards, which shall be issued by the Mayor and Aldermen, shall be served by any Constable of the City, and returned to the Wardens of the several Wards in the said City, on or before the time of meeting of the citizens of said Wards, therein specified,

SECT. 3. The form of Warrants for calling meetings of the inhabitants of the City of Roxbury, shall be as follows, to wit:

~~~~~  
L.S.  
~~~~~

## CITY OF ROXBURY.

*To the Constables of the City of Roxbury, Greeting:* In the name of the Commonwealth of Massachusetts, you are hereby required forthwith to warn the inhabitants of the City of Roxbury, qualified as the law directs, to assemble at —, on the — day of —, at — o'clock, —. M., then and there to —.

Hereof fail not, and have you then there this Warrant, with your doings thereon.

Witness, —, Mayor of our City of Roxbury, the — day of —, in the year of our Lord one thousand eight hundred and —.

By order of the Mayor and Aldermen.

—, *City Clerk.*

SECT. 4. All Warrants which shall be issued by the Mayor and Aldermen, for calling meetings of the inhabi-

tants of the City, shall be served by any Constable of the City, and returned to the Mayor and Aldermen, on or before the meeting of the citizens therein specified.

SECT. 5. It shall be the duty of the Mayor and Aldermen to fix the time when the poll shall close, as well as the time for the opening thereof, in the election of all officers, except ward officers, and insert the same in any warrant and notification to the inhabitants of such election.

SECT. 6. Each inhabitant, being a legal voter in said City, shall be notified at his place of residence.

SECT. 7. All Warrants for convening the legal voters of the City, shall be issued at least seven days before the time of holding said meeting, and it shall be the duty of the Constable warning said meeting, to make return thereof, one day before the holding said meeting.

[Passed May 18, 1846.]

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[No. 3.]

### AN ORDINANCE

Relating to the Election of certain City Officers.

*Be it ordained, &c., as follows :*

SECT. 1. The mode of electing the following officers, to wit: Surveyors of Highways, Surveyors of Lumber, Measurers of Wood and Bark, Weighers of Hay, Sealers of Weights and Measures, Field Drivers, Fence Viewers, Pound Keeper, Tythingmen, Sealers of Leather, and Hog Reeves, shall be as follows, to wit: They shall first be elected by the Mayor and Aldermen, and sent down to the Common Council for its concurrence, rejection or amendment.

[Passed May 18, 1846.]

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[No. 4.]

### AN ORDINANCE

Authorizing the Appointment and prescribing the Duties of a City Marshal.

[Repealed by Ord. No. 42; but see Ord. No. 45.]

[No. 5.]

## AN ORDINANCE

Establishing the Office of City Messenger.

*Be it ordained, &c., as follows :*

SECT. 1. There shall forthwith, and hereafter in the month of April annually, be elected by the Board of Aldermen, and sent down for its concurrence or rejection, to the Common Council, a suitable person to be styled City Messenger, who shall receive, deliver and execute, all notifications, summonses and precepts issued by the Mayor, the President of the Common Council, by the City Council, or either branch thereof, or by any Committee of the same, and make due return thereof. He shall prepare and arrange the rooms in which the City Council shall hold their sessions, and attend on either when in session separately ; and under the direction of the Mayor or City Clerk, shall provide fuel, lights, and other things necessary for the accommodation of both branches of the City Council or any Committee thereof. He shall receive and deliver all notifications to officers elected by the City Council, or by the Mayor and Aldermen, and he shall deliver all notifications to Committees upon the request of the City Clerk, Clerk of the Common Council, or Chairman of any Committee. He shall have the superintendence of the City Hall and the adjoining rooms, and see that they are kept in good condition. He shall also prepare the rooms selected for Ward meetings, and have the same put in good order after said meetings are adjourned, and he shall at all times be subject to such further orders and regulations as the City Council may make. He shall receive for his services such compensation as the City Council shall annually, or from time to time, allow.

[Passed May 18, 1846.]

[No. 6.]

## AN ORDINANCE

Establishing a System of Accountability in the Expenditures of the City.

*Be it ordained, &c., as follows :*

SECT. 1. There shall be annually appointed by the City Council, a Joint Standing Committee of Accounts, whose duty it shall be to meet once in a month, and as much oftener as they shall deem expedient. It shall be their duty carefully to examine all accounts, claims and demands against the City, and certify the same to be correct, when found to be so.

SECT. 2. All accounts and other claims against the City, for labor done, services performed, or materials of any kind furnished for the use of the City, under the charge, direction or superintendence of the Mayor and Aldermen, Overseers of the Poor, School Committee, Fire Department, or any other officer or officers of the City, or by order of the City Council, or either branch thereof, shall, when presented to said Committee, be accompanied with a certificate of the Mayor, the President of the Common Council, or the proper certifying officer of each department, as the case may be, certifying the same to be correct; otherwise the same shall not be received or acted upon by said Committee.

SECT. 3. Said Committee shall keep a book, wherein they shall enter the date and amount of each and every claim they shall allow, the name of the person to whom the same shall be allowed, and designating the fund or appropriation from which the same shall be paid; and they shall, on or before the first Monday in March annually, and whenever requested by the City Council, or either branch thereof, report to the City the whole amount of accounts, claims and demands allowed.

SECT. 4. No money shall be paid out of the City Treasury, except on orders drawn and signed by the Mayor, designating the fund or appropriation from which said orders are to be paid. And the Mayor is hereby authorized to draw orders on the Treasurer for the payment of all accounts, claims and demands allowed by the Committee of Accounts; and he shall not draw on the Treasury for the payment of any account, claim or demand, unless the same

shall have been allowed by the Committee of Accounts, nor shall he draw any order for services rendered or materials furnished for any department beyond the sum appropriated by the City Council for the expenses of that department. *Provided*, however, that in any case where it is necessary for money to be paid in advance, on contracts made for work began, but not completed, the Mayor, upon being satisfied of such necessity, may draw an order on the City Treasurer for the amount thus necessary to be advanced; *provided*, that every such order shall be countersigned by the City Clerk, who shall enter the same in the schedule of accounts, which he is required to present to the Committee on Accounts.

SECT. 5. It shall be the duty of the Treasurer and Collector, to collect and receive all rents which may be due to the City, and all accounts and other demands against persons indebted to the City, and under the direction of the Joint Standing Committee on Public Property, to seal and execute all necessary leases of City land or buildings.

SECT. 6. It shall be the duty of the several departments and officers of the City, to cause to be delivered to the City Treasurer for collection, accounts against persons indebted to the City; and no department or officer of the City shall receive payment of any such account, and the receipt of the City Treasurer shall be deemed the only sufficient and valid discharge of debts due to the City. *Provided*, however, that the Superintendent of the Almshouse, under the direction of the Overseers of the Poor, may receive payment for articles sold for cash, in any case in which the amount sold shall not exceed twenty dollars; and in every such case the money received shall, within one week from the time of payment, be paid to the City Treasurer, and his receipt therefor shall be forthwith delivered to the City Clerk, to be laid before the Committee on Accounts.

SECT. 7. The City Treasurer shall proceed without delay to collect all accounts which may be delivered to him for collection; and he shall faithfully account for all moneys received by him; and in any case in which he is unable to obtain an immediate settlement of an account, he shall report the same to the Mayor and Aldermen, and follow such directions as they may deem it for the interest of the City to prescribe. The report of the City Treas-

urer, and the directions of the Mayor and Aldermen, in every such case, shall be made in writing, and attested copies of the same shall be furnished by the City Clerk to the Committee on Accounts.

SECT. 8. It shall be the duty of the Committee on Accounts to audit the account of the City Treasurer, at the close of each municipal year, and as much oftener as they may deem expedient; and for this purpose they shall have access to all books and vouchers in his possession, or in the possession of the City Clerk, or any other officer of the City, and they shall in every case report to the City Council the result of their examination.

SECT. 9. The City Treasurer and Collector shall give bonds with sufficient sureties, to the satisfaction of the Mayor and Aldermen, in the sum of forty thousand dollars, for the faithful performance of the duties of the said office of Treasurer and Collector, and that he will truly and justly account for all moneys that may come into his hands.

SECT. 10. It shall be the duty of the Treasurer to keep in a neat and methodical style and manner, a complete set of books, under the direction of the Committee on Accounts; wherein shall be stated among other things, the appropriation for each distinct object of expenditure, to the end that wherever the appropriations for the specific objects have been expended, he shall immediately communicate the same to the City Council, that they may be apprized of the fact; and either make a further appropriation or withhold further expenditure for such object or objects as they may deem expedient.

[Passed May 18, 1846.]

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[No. 7.]

### AN ORDINANCE

To preserve the Public Health, by Regulating the Use of Chemical Laboratories, and the manufacturing of White Lead and Red Lead.

*Be it ordained, &c., as follows:*

No person shall hereafter carry on the business, or exercise the trade or employment of manufacturing acids, or

other articles usually manufactured in Chemical Laboratories, or White Lead, or Red Lead, within the limits of the City of Roxbury, in any building which has been or may hereafter be erected, or in any place except in such place or places, and in such buildings now erected, as have heretofore been and are now used for the same purpose, unless licensed so to do by the Mayor and Aldermen of said City; and every such license shall specify the place where such business, trade or employment may be carried on or exercised, and any and every person, who shall carry on or exercise the trade or employment of manufacturing acids, or other articles usually manufactured in Chemical Laboratories, or White Lead, or Red Lead, except as aforesaid, without license as aforesaid, shall be guilty of maintaining a public and common nuisance; and the Mayor and Aldermen of said City of Roxbury may abate the same.

[Passed May 21, 1846.]

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[No. 8.]

### AN ORDINANCE

Establishing a system for Collecting the Taxes of the City of Roxbury.

*Be it ordained, &c., as follows :*

SECT. 1. It shall be the duty of the Collector of Taxes, as soon as the polls are ascertained, to collect or secure the tax of all such persons as are assessed a poll tax only.

SECT. 2. All persons who shall pay their taxes on or before the last day of September, shall be entitled to a discount of four per cent.; after which time no discount will be allowed; and on the first day of November, the Collector is directed to issue his summons to those who are then delinquent, that if their taxes are not paid within ten days from the date of said summons, with twenty cents for said summons, the Collector will then proceed to collect the same according to law; and the Collector shall give notice by attaching to all tax bills the above section of this Ordinance.

SECT. 3. For the convenience of the citizens of Wards Six, Seven and Eight, it shall be the duty of the Collector



during the month of September, to sit at some convenient place one day, in either Wards Six or Seven, and one day in Ward Eight, for the reception of taxes; and such days and places shall be designated on the tax bills when issued.

SECT. 4. The Collector shall be provided by the City Council with an office in some suitable and convenient place, which office shall be kept open every day (Sundays excepted) for the reception of taxes at such hours of the day as he may determine, excepting during the month of September, when his office shall be open from eight o'clock, A. M., to one o'clock, P. M., and from two o'clock, P. M., to five o'clock, P. M., each day, with the exception of two days in said month specified for receiving taxes in Wards Six, Seven and Eight.

[Passed June 8, 1846.]

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[No. 9.]

#### AN ORDINANCE

Establishing the Office of Commissioner or Commissioners of Highways, and defining the Duties thereof.

[Repealed by Ordinance No. 40.]

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[No. 10.]

#### AN ORDINANCE

Regulating the Fire Department of the City of Roxbury.

[Repealed by Ordinance No. 34.]

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[No. 11.]

#### AN ORDINANCE

Establishing a Watch, for preserving the Safety and Good Order of the City of Roxbury.

*Be it ordained, &c., as follows:*

SECT. 1. The Mayor and Aldermen be, and they hereby are authorized and directed, to appoint twelve<sup>1</sup> sober,

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<sup>1</sup> No limitation as to number. Ord. No. 31.

discreet, and able-bodied men, of good moral character, to be Watchmen in the easterly section of the City of Roxbury, from such hour in the evening, until such hour in the morning, as the said Mayor and Aldermen shall appoint. And also a suitable person to be the officer of the Watch, who shall also be a discreet, sober and able-bodied man of good moral character. And the said officer and watchmen shall continue in office until removed by the said Mayor and Aldermen, or death or resignation; and they shall receive such compensation for their services respectively, as the said Mayor and Aldermen shall establish; and shall be paid out of the treasury of the City of Roxbury, on orders drawn by the Mayor; and shall be removable at the pleasure of the said Mayor and Aldermen; and in case of a vacancy or vacancies, by death, resignation, removal, or otherwise, a successor or successors shall be forthwith appointed by said Mayor and Aldermen, to fill such vacancy or vacancies.

SECT. 2. The officer of the watch, and the watchmen appointed by virtue of this Ordinance, shall have the same powers, and shall be held and obliged to perform the same duties, as are required of such officers and watchmen by the seventeenth chapter of the Revised Statutes of the Commonwealth of Massachusetts.

SECT. 3. Every Watchman shall be equipped in such manner as the Mayor and Aldermen shall determine.

[Passed July 27, 1846.]

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[No. 12.]

## AN ORDINANCE

In relation to Burial Grounds and the Interment of the Dead.

*Be it ordained, &c., as follows :*

SECT. 1. The Mayor, by and with the advice of the Board of Aldermen, may grant permits for building tombs and laying out lots in the burial grounds belonging to the City, and give titles therefor, on such terms and conditions as deemed by them expedient.

SECT. 2. The Mayor and Aldermen shall immediately appoint two or more persons to act as Undertakers, who

may hold the office until removed. And in case of a vacancy, caused by removal or otherwise, it shall be the duty of the Mayor and Aldermen to supply said vacancy by a new appointment.

SECT. 3. It shall be the duty of the Undertakers, under the direction of the Mayor and Aldermen, to take the care and superintend such burial grounds as shall be assigned to them in their appointment; to detect and prosecute trespassers, and generally to exercise all the power and authority vested in the City Council in relation to burial grounds. It shall also be their duty, as soon as informed of the decease of any person within the limits of the City, to be interred in their district, to take the personal charge and oversight of all necessary arrangements for the removal and burial of the body of the deceased, and for the funeral procession; subject to such general or particular directions as they may at any time receive from the Mayor and Aldermen. It shall also be their duty, within one day after the burial or removal from the City of the body of any deceased person, to deliver to the City Clerk a certificate, stating the date of the death, the name and surname of the deceased, the sex, condition, (whether single or married,) age, occupation, place of death, place of birth, names of the parents, and disease or cause of death.

SECT. 4. In case of absence, sickness, or temporary disability of any of the Undertakers, his duties shall be performed by such other person as the Mayor may appoint.

SECT. 5. A funeral car shall be provided by the City, and placed under the charge of each Undertaker, to be kept clean by them, and in such place, and under such regulations as the Mayor and Aldermen may prescribe. The horse to transport said car or hearse shall be furnished by and at the expense of the Undertaker.

SECT. 6.<sup>1</sup> As a compensation for services to be performed by the Undertaker and such assistants as he may employ in digging out, filling the grave, attendance at the house, and going from the house to the grave or tomb, and for the use of the horse he may employ, he shall receive a sum not exceeding five dollars for the burial of each person twelve years old and upwards; and a sum not exceeding three dollars for every child less than twelve years old, — to be paid by the person employing him.

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<sup>1</sup> Change of. Per Ord. No. 27.

SECT. 7. Whenever any person shall decease within the limits of the City, it shall be the duty of the nearest relative, or of the person in whose house the person may have died, or any other person who may have first become informed of the event, to cause the same to be made known to the Undertaker as soon as practicable.

SECT. 8. No person, except an Undertaker or one appointed by authority in his place, shall bury or remove the body of any deceased person, or undertake the management of any funeral; *provided*, that this prohibition shall not apply to the burial of inmates of the Almshouse, which shall be under the control of the keeper thereof, who shall make the returns to the City Clerk, as required by section three.

SECT. 9. All funerals shall take place between sunrise and sunset, unless otherwise permitted or directed by the Mayor. And the top of every coffin deposited in the ground, shall be at least three feet below the usual surface thereof.

SECT. 10. Any person who shall be guilty of a violation of any of the provisions of this Ordinance, or any of the regulations which may be prescribed by the Mayor and Aldermen in conformity thereto, shall forfeit and pay a sum of not less than two or more than twenty dollars.

SECT. 11. This Ordinance shall take effect and go into operation from and after its passage.

[Passed August 6, 1846.]

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[No. 13.]

## AN ORDINANCE

To prevent Unlawful and Injurious Practices in the Streets and other public places of the City.

*Be it ordained, &c., as follows :*

SECT. 1. No person, except the Surveyors of Highways in the lawful performance of their duties, and those acting under their orders, shall break or dig up the ground or stones, in any street, lane or alley, or on any sidewalk or common, in the City, or erect any staging for building, or place or deposite any stones, bricks, timber, or other building materials thereon, without first obtaining a written

license from the Mayor and Aldermen, or some person authorized by them to grant such license, and complying in all respects with the condition of such license.

SECT. 2. The Mayor and Aldermen may grant a license in writing to any person, for the purpose of building, or other lawful purposes; to dig up, obstruct or encumber so much and such parts of any street, lane, alley, sidewalk, or other public place in the City, and on such terms and conditions as they shall deem to be safe and proper.

SECT. 3. Whenever any street, lane, alley, sidewalk, or other public place in the City, shall, under any license granted as provided in the preceding section, be dug up, obstructed, encumbered, or otherwise rendered thereby unsafe or inconvenient for travellers, the person so licensed, shall put, and at all times keep up a suitable railing or fence round the section or parts of any street, lane, alley, or other public place, so dug up, obstructed or encumbered, so long as the same shall be or remain unsafe or inconvenient as aforesaid; and shall also keep one or more lighted lanterns fixed to such fence, or in some other proper manner, every night, from twilight in the evening, and through the whole night, so long as such railings or fence shall be kept standing. He shall also, within such reasonable time as the Mayor and Aldermen shall direct, amend and repair such street, lane, alley, sidewalk, or public place, to the acceptance of said Board.

SECT. 4. No person shall make, erect or maintain any door step, portico, porch, entrance or passage-way to any cellar or basement, or any other structure, in or upon any street, alley, lane or sidewalk in the City,<sup>1</sup> without permission in writing from the Mayor and Aldermen. No person shall suffer the platform or grate of the entrance or passage-way to his cellar or basement, heretofore constructed, or which may hereafter be constructed, in any street, lane, alley or sidewalk, to rise above the even surface of such street, lane, alley or sidewalk; and every such entrance or passage-way shall be at all times kept covered by a suitable and substantial platform or grate; or in case it shall be kept open, it shall be guarded and protected by a sufficient railing, on both sides thereof, at least two feet and a half high, and well lighted at night. No person

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<sup>1</sup> Concerning Gates, Ord. No. 23.

shall permit or suffer his well, cistern or drain, in any street, lane, alley or sidewalk, in the City, to be or remain open or uncovered, unless the same shall be enclosed by a strong and safe curb, guard or fence.

SECT. 5. If any person shall dig or sink, or cause to be dug or sunk, any well, cellar, cistern, drain or other cavity in the ground, near to or adjoining any street, lane or alley in the City, he shall put up and at all times keep up, so long as it shall be necessary for the purpose, a railing or fence, on or near the line of such street, lane or alley, sufficient to guard and protect travellers and passengers from falling into, or being injured thereby.

SECT. 6. No person shall continue any cart, carriage or vehicle of any description, with or without a horse, horses, or other animal or animals attached thereto, in any street or way, so as to obstruct the same, after having been requested by any person having occasion to use such street or way, or after having been ordered by the Mayor, or by any other person by him authorized, or by the City Marshal, to remove such obstruction.

SECT. 7. No person shall wheel, drive, draw, or pass with any hand-cart, wheel-barrow, hand-sled, or any other carriage of burthen or pleasure, or permit any horse, ox or other beast, under his care, to go upon any sidewalk in the City, or otherwise occupy, obstruct or encumber the same, by any trunk, bale, barrel, box, crate, cask, or any package, article or thing whatsoever, or in any way obstruct any street, lane, alley or sidewalk, so as to interfere with the convenient use of the same by all passengers. No person shall stop his team or carriage, or unnecessarily place any obstruction on any flagging stones laid, or that shall hereafter be laid in or across any street, lane or alley in the City; and in streets where there are no raised sidewalks five feet in width, next adjoining the lands of the abutters on each side of such street, shall be deemed and taken to be the sidewalks of the same, within the meaning of this Ordinance.

SECT. 8. No person shall ride any horse, or drive any horse or horses attached to a carriage of any description, either of burthen or pleasure, or cause the same to be rode or driven in any street, lane or alley, or over any bridge in the City, at an immoderate gait, so as to endanger or expose to injury any person standing, walking or riding in

or on the same. And every person having any truck, cart, wagon or other team of burthen under his care, shall, when driving or passing in or upon any street, lane, alley or bridge in the City, hold the reins of his horse or horses in his hand, or be in such position, and so near the team he is driving, as to be able at all times, to guide, restrain and govern the same.

SECT. 9. No person shall put or place, or cause to be put or placed, carry or cart, or cause to be carried or carted, in or upon any street, lane, alley or other public place in the City, any house dirt, ashes, soot, garbage, carrion, shreds, shavings, filth, suds, oyster, clam or lobster shells, dung, offal, stones, brick, masons' or brick-layers' rubbish, or any other kind of rubbish, except in such place and in such manner, as the Mayor and Aldermen shall prescribe.

SECT. 10. No person shall suffer his firewood, coal, or other fuel, in any quantity, to remain unnecessarily on any sidewalk, or in any street, lane or alley, in the City, over night, or after twilight, in the evening. If the same must of necessity remain after twilight, or through the night, the owner thereof shall place and keep a sufficient light over or near the same, through the night, in order to give notice thereof to travellers and passengers, and thereby prevent injury to them.

SECT. 11. No person shall saw any firewood, or pile the same upon the foot or sidewalks of any of the streets or lanes of the City, and no person shall stand on any such foot or sidewalk with his wood-saw or horse, to the hindrance or obstruction of any foot passenger.

SECT. 12. No person shall move, or assist in moving, any house, shop, or other building, through any street, lane or alley, or over any bridge, in the City, unless a written license shall have been obtained to remove the same, as provided in the second section of this Ordinance.

SECT. 13. Any person who shall throw or put, or cause to be thrown or put, any snow or ice into any street, lane or alley, in the City, shall cause the same to be broken up and spread evenly over the surface of such street, lane or alley.

SECT. 14. No person shall swim or bathe in any of the waters within or surrounding the City, so as to be exposed to the view of the passengers or other persons passing or

being in any street, lane, alley or house, or upon any railroad within the City.

SECT. 15. No person shall expose, in or upon any street, lane, alley, public place, common or sidewalk, in the City, any table or device of any kind, by or upon which any game of hazard or chance can be played; nor shall any person play any such game, at such table or device, in or upon any street, lane, alley, public place, common or sidewalk in the City. No person shall place or keep any table, stall, booth, or other erection, in any street, lane, alley or public place, or on any sidewalk in the City, for the sale of fruit or other thing, without permission from the Mayor and Aldermen.

SECT. 16. No person shall, except in the performance of some duty required by law, discharge any gun, pistol or other fire-arm, loaded with balls or shot, or with powder only, within the City, or in or upon any street, lane, alley, public place or wharf, or within fifty rods thereof, or within fifty rods of any building in the City, in any yard, garden or field therein.

SECT. 17. No person shall fire any squib, cracker, serpent, or other preparation whereof gunpowder is an ingredient, or which consists wholly of the same, or make any bonfire in or upon any street, lane or public place, or wharf within the City.

SECT. 18. No person shall behave himself in a rude or disorderly manner, or use any indecent, profane or insulting language, in any street, lane, alley or other public place in the City, or near any dwelling house or other building therein; or coast or course upon any sled or sleds, in any street, lane, alley or other public place, in the City, or be or remain upon any sidewalk, or upon any door step, portico or other projection from any such house or other building, to the annoyance or disturbance of any person. No person shall make any indecent figures nor write any indecent or obscene words upon any fence, building or other public place within the City. No person shall by any noise, gestures or other means, wantonly and designedly frighten or drive any horse, in any street or other public place in the City. No person shall use or shoot with bows and arrows, or play at any unlawful game, or at ball, with marbles, dice, cards, paw-paws, coppers, cents or other coin, or fly any kite or balloon, or throw any stones, clubs, snow-balls or other



missile, in any street, lane, alley or other public place within the City.

SECT. 19. No person shall suffer any spout to lead or cast water upon any sidewalk over the heads of passengers.

No person shall suffer a cellar door, or passage from the sidewalk into any cellar, to be kept open when not in immediate use, after the beginning of twilight, except a good and sufficient light be constantly kept at the entrance of such passage.

SECT. 20. No person shall injure, deface or destroy any guide post or guide board, any lamp post or lamp or lantern thereon, heretofore erected, or which shall be erected in the City; or any tree, building, fence, post or other thing, set, erected or made, for the use or ornament of the City.

SECT. 21. No person shall erect any post or posts in any street or public place in the City, except by permission of the Mayor and Aldermen; and no person shall cut down, dig up, deface or destroy any post or posts which are or may be erected by permission as aforesaid, except license be first obtained from the owner thereof, or from the Mayor and Aldermen; and the Mayor and Aldermen are hereby expressly authorized to remove any post or posts standing in any street or public place.

SECT. 22. No person shall place or keep in front of any building, any awning or shade less than seven feet and a half in height at the lowest part thereof; nor shall such awning or shade extend beyond the line of the sidewalk.

SECT. 23. No horse shall be turned out loose, or suffered to go at large, or to go to water in the City, without a suitable person to lead or drive him.

No person shall permit any horse, swine, goat, cow or other neat cattle, belonging to him, or under his control, to graze in any street, lane or alley, or on any common in the City, nor to go at large therein.

SECT. 24. No person shall erect or cause to be erected, any fence or building, adjoining any street or public ground, without first having ascertained the bounds of the same, by application to the Mayor and Aldermen for that purpose.

SECT. 25. No person shall blast any rock or other substance, with gunpowder, at any place within fifty rods of any public place or highway in the City, without license of the Mayor and Aldermen, in writing, specifying the terms and conditions on which said license is granted: *provided*,

however, that the remedy of any person injured by the blasting of rocks shall not be affected by this section, nor shall it be considered as applying to the Surveyors of Highways in the discharge of their official duties.

SECT. 26. No person shall take hold of or ride upon the back of any chaise, sleigh, coach or other carriage, used for the transportation of persons, while the same is passing any street or highway of said City, without the permission of the owner or driver of the same.

SECT. 27. Any person who shall offend against any of the provisions of this Ordinance, shall forfeit and pay for each and every offence a sum not less than one dollar, nor more than twenty dollars.

SECT. 28. No person shall be prosecuted or tried for any breach of the provisions of this Ordinance, unless the complaint for the same shall be instituted and commenced within six months from the time of committing such breach.

SECT. 29. This Ordinance shall take effect and go into operation from and after the expiration of ten days after its passage.

[Passed August 6, 1846.]

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[No. 14.]

### AN ORDINANCE

Prescribing Rules and Regulations relative to Nuisances, Sources of Filth, and Causes of Sickness within the City of Roxbury.<sup>1</sup>

*Be it ordained, &c., as follows :*

SECT. 1. That the department of internal and external Police, so far as it regards the preservation of the health of the City, be placed under the superintendence of the City Marshal; whose duty it shall be, and he shall have power to carry into execution all the ordinances, rules and laws made by the City Council, relative to causes of sickness, nuisances and sources of filth, that may be injurious to the health, or may affect the comfort of the inhabitants of the City, which do or may exist within the limits thereof; subject always to the direction, authority and control of the

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<sup>1</sup> Burial Grounds, &c. Ord. No. 26.

Mayor and Aldermen ; and it shall be the duty of the City Marshal to cause all such nuisances, sources of filth and causes of sickness, to be prevented, removed or destroyed, as the case may require, conformably to the ordinances of the City Council as aforesaid, and the laws of the Commonwealth ; and to this department shall belong the care of the streets, the care of the common sewers, and the care of the vaults, and whatever else affects the health, security and comfort of the City, from causes or means arising or existing within the limits thereof.

SECT. 2. In the month of May or June annually, there shall be appointed, by concurrent vote of the City Council, one or more consulting physicians, whose duty it shall be, in case of an alarm of any contagious, infectious, or other dangerous disease occurring in the City or neighborhood, to give to the Mayor or either Board of the City Council, all such professional advice and information as they may request, with a view to the prevention of the said diseases, and, at all convenient times, to aid and assist them with their counsel and advice in all matters that relate to the preservation of the health of the inhabitants.

SECT. 3. Whenever any person, coming from abroad, or residing in this City, shall be infected, or shall lately before have been infected with any contagious, infectious or other disease dangerous to the public health, the Mayor and Aldermen shall have all the powers in relation thereto with which boards of health or selectmen of towns are invested, in such cases, by the laws of this Commonwealth ; to be carried into execution in such manner as they shall deem expedient.

SECT. 4. Each and every tenement within the City of Roxbury, that is, or may hereafter be used as a dwelling house, shall, whenever required by the Mayor and Aldermen, be provided with a sufficient drain under ground to carry off the waste water ; and also with a suitable privy, and of a sufficient capacity in proportion to the number of inhabitants of such tenement, which vault and drain shall be in common and subject to the use of all said inhabitants.

SECT. 5. For any offence against the provisions of the foregoing section, the owner or owners of each and every tenement so used, as aforesaid, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars, for each and every week during which said tenement or any part thereof shall be used as a dwelling house.

SECT. 6. If the Mayor and Aldermen shall at any time be satisfied that any tenement, used as a dwelling house, is not provided with a suitable privy, and vault, and drain, or either of them as aforesaid, and in their opinion it shall be necessary for the public health, they may give notice in writing to the owner thereof, or his agent, if either be an inhabitant of the City, or if otherwise, public notice in a newspaper printed in Roxbury, if any newspaper be printed therein, if not, in two newspapers printed in Boston, requiring such owner or agent, within such time as they shall appoint, to cause a proper and sufficient privy, and vault, and drain to be constructed for such tenement, to be common and subject to the use of all the inhabitants thereof; and in case of neglect or refusal to obey such notice, the Mayor and Aldermen shall have power to cause such privy, and vault, and drain to be made for such tenement, the expense of which shall be paid by such owner or agent.

SECT. 7. Whenever it shall appear to the Mayor and Aldermen, that any cellars, lots or vacant grounds are in a state of nuisance, or so situated that they may become a nuisance, and the health of the inhabitants be endangered, it shall be their duty, and they are authorized to cause a notice in writing to be served upon the owners or occupants thereof, and if there should be no occupants, and the owners should not reside in the City, then to give public notice by advertising in one of the newspapers printed in this City, and if no newspaper shall be printed in this City, then in two newspapers printed in the City of Boston, directing said owners or occupants to have said nuisance or cause of nuisance removed, by draining, filling up, or otherwise, in the manner as may be prescribed in such notice; and in case of neglect, or refusal to obey said notice, the Mayor and Aldermen shall have power to remove the same, by filling up, draining, or otherwise, as they shall deem expedient; and said owners or occupants shall defray and pay the expense thereof.

SECT. 8. No person or persons, unless by leave of the Mayor and Aldermen, shall throw or deposit, or cause to be thrown or deposited in any street, court, square, lane, alley, public square or vacant lot, or into any pond, creek or river, any dirt, saw-dust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, lobster or clam shells, waste water, rubbish or filth of any kind, or any animal or vegetable matter or substance whatever. Nor shall any per-

son or persons throw or cast any dead animal, or any foul or offensive ballast, into any dock, or any other of the waters within or adjoining the City. Nor shall any person land any foul or offensive animal or vegetable substance within the City.

SECT. 9. If any of the substances, in the preceding section mentioned, shall be thrown or carried from any house, warehouse, shop, cellar, yard or other place, into any street, lane, alley, court, square, public place or vacant lot, as well the owner of such house, or other place, whence the same shall have been thrown or carried, as the occupant thereof, and the person who actually threw and carried the same, shall severally be held liable for such violation of this Ordinance; and all such substances shall be removed from the street, lane, alley, court, square, public place or vacant lot, by and at the expense of the owner or occupant of the house, or other place whence the same were thrown or carried, within two hours after personal notice in writing to that effect, given by the Mayor and Aldermen or City Marshal.

SECT. 10. All dirt, saw-dust, soot, ashes, cinders, shavings, hair, shreds, manure, oyster, lobster or clam shells, waste water or any animal or vegetable substance, rubbish or filth of any kind, in any house, warehouse, cellar, yard, or other place, which the Mayor and Aldermen or City Marshal shall deem it necessary for the health of the City to be removed, shall be carried away therefrom by and at the expense of the owner or occupant of such house or other place, where the same shall be found, and be removed to such place as he shall be directed, within four hours after notice in writing to that effect, given by the Mayor and Aldermen, or the City Marshal.

SECT. 11. No person shall sell, or offer for sale, or have in his possession, in any of the public or private markets, or in any other place, any unwholesome, stale, or putrid meat, fish or fruit, or other articles of provisions; or any meat which has been blown, raised or stuffed, or any diseased or measly pork.

SECT. 12. The Mayor and Aldermen are authorized to prohibit the keeping of swine or goats in any part or parts of the City where they shall deem that the keeping of such animals would be detrimental to the health or comfort of the citizens in the neighborhood thereof, residing or passing—and shall have power to remove, or cause to be re-

moved any swine or goat from any place where the keeping of such animals are prohibited to be kept.

Any and every person who shall keep any swine or goat in any place in the City in which such animals are prohibited to be kept, or from whence he is required to remove the same, six hours after having received notice from the Mayor and Aldermen in writing, to remove the same, or that such animals are prohibited to be kept in such place, shall forfeit and pay the sum of three dollars, for each and every swine or goat so kept, for each and every day during which he shall so keep the same or any of them.

SECT. 13. Whenever any person shall have been duly notified to remove any nuisance, or to cleanse, alter or amend any vault or drain, or to perform any other act or thing which it may be his duty to perform, in obedience to the laws of the Commonwealth, or the rules, orders, regulations, by-laws or ordinances for the preservation of the health of the City, which are now, or which hereafter shall be made, by lawful authority, and the time limited to the performance of such duty shall have elapsed, without a compliance with such notice, the City Marshal shall issue new notices from time to time to such delinquents, until the duty shall be executed, and the nuisance remedied or removed. And the Mayor shall cause all persons who shall violate or disobey the said health laws and regulations, to be forthwith prosecuted and punished. And in case, in the opinion of the Mayor and Aldermen, it shall be for the health or comfort of the inhabitants that any particular nuisance shall be forthwith removed, and without delay, it shall be their duty to cause the same to be removed accordingly, at the expense of the owner or owners of the land upon which the said nuisance exists.

SECT. 14. The City Marshal, or any person authorized by the Mayor for that purpose, shall and may, at any time between sunrise and sunset, enter into any building, within the City, for the purpose of examining into, destroying, removing or preventing any nuisance, source of filth or cause of sickness therein; or in any cellar belonging thereto. And if any person shall refuse to admit such officer, or other person so authorized, into said building, the City Marshal shall, on oath, complain to any Justice of the Peace within said City, and shall apply for his warrant, according to the statute in such case made and provided, and shall thereupon proceed, under the authority of said

Court, to examine such building or other place, and to destroy, remove or prevent any nuisance, source of filth or cause of sickness, that may be found there, in such manner as the Mayor and Aldermen shall direct. And the said City Marshal, or any person authorized as aforesaid, shall and may, at any time between sunrise and sunset, enter into any yard or lot of ground, or into any out-house, and examine any alley, sink, cess-pool, privy, vault, public or private dock or slip, or drain, or sewer, and shall report to the Mayor and Aldermen all such as the health or security of the City may require to be cleansed, altered or amended.

SECT. 15. Any person offending against any of the provisions of this Ordinance, to which a particular penalty is not annexed, shall forfeit and pay for each and every offence a sum not less than three nor more than twenty dollars.

SECT. 16. This Ordinance shall take effect and go into operation from and after the tenth day of August current.

[Passed August 6, 1846.]

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[No. 15.]

### AN ORDINANCE

Directing the Manner in which the Ordinances of the City Council shall be promulgated.

*Be it ordained, &c., as follows :*

All the Ordinances of the City Council shall be published and promulgated by causing the same to be inserted three weeks successively in such newspaper printed in this City as shall annually be designated by the City Council, by concurrent vote ; or, in case no newspaper shall be printed and published in this City, in such newspaper or newspapers published and printed in the City of Boston as the said City Council shall from time to time designate.

[Passed August 6, 1846.]

[No. 16.]

## AN ORDINANCE

Restraining the going at large of Dogs within the City of Roxbury.

*Be it ordained, &c., as follows :*

SECT. 1. From and after the tenth day of August, one thousand eight hundred and forty-six, no dog shall be permitted to go at large or loose, in any street, lane, alley or court, nor any uninclosed or public place in this City, until the owner or keeper of such dog, or the head of the family, or the keeper of the house, where such dog is kept or harbored, shall have paid to the City Treasurer one dollar, for a license for such dog to go at large, nor unless he shall also cause a collar to be constantly worn by such dog, having the name of the owner thereof with the word "Roxbury" legibly written, stamped or engraved thereon, and it shall be the duty of said Treasurer, to grant a license to any citizen, for his or her dog to run at large, upon payment of such sum, which license shall particularly describe the dog licensed, and the Treasurer shall keep a record of the names of all persons to whom such licenses shall be by him granted.

SECT. 2. The licenses which shall be issued as aforesaid, shall endure and be in force until the first day of August next, after the time of issuing the same, and no longer, but they may be at that time renewed, and thereafter annually, on payment to the City Treasurer the like sum of one dollar, and complying with the other requirements in the first section of this Ordinance. And in case any dog shall be found loose or going at large, as aforesaid; contrary to the provisions of this Ordinance, the owner or keeper thereof, or the head of the family, or keeper of the house where such dog is kept or harbored, shall forfeit and pay a sum not exceeding ten dollars.

SECT. 3. On complaint made to the City Marshal, of any dog, within the City, which shall, by barking, biting, howling, or in any other way or manner disturb the quiet of any person or persons whomsoever, the City Marshal, on such complaint, shall issue notice thereof to the person keeping or permitting such dog to be kept, or to the owner thereof, and in case such person or owner, for the space of three



days after such notice, neglect to cause such dog to be removed and kept beyond the limits of the City, or to be destroyed, he or she shall forfeit and pay a sum not exceeding fifty cents, for every day which shall elapse until such dog shall be removed or destroyed as aforesaid: *provided*, that the Justice before whom such complaint shall be heard and tried, shall be satisfied that such dog had, in manner aforesaid, disturbed the quiet of any person or persons in said City.

SECT. 4. If any person, after being convicted under the provisions of the third section of this Ordinance, shall still neglect or refuse to destroy his or her dog, on being ordered so to do, or if any dog, of which no owner or keeper shall be discovered, or whose owner or keeper shall refuse or neglect to take out a license for such dog, shall be found going at large contrary to the provisions of this Ordinance, it shall be the duty of the City Marshal to cause such dog or dogs to be destroyed.

SECT. 5. Nothing contained in this Ordinance shall extend to any dog not owned or kept in this City, excepting, however, it shall be the duty of the City Marshal, at all times, hereafter, to cause every dog to be destroyed, where-soever owned or kept, going at large within the City, not having a collar about his neck, with the name and place of residence of the owner or keeper of such dog, legibly marked on the same, according to the provisions of the Revised Statutes of this Commonwealth, chapter fifty-eight.

SECT. 6. This Ordinance shall take effect and go into operation from and after the tenth day of August, one thousand eight hundred and forty-six.

[Passed August 6, 1846.]

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[No. 17.]

## AN ORDINANCE

Requiring a separate Record to be kept of the Streets and Highways in the City.

*Be it ordained, &c., as follows:*

The City Clerk shall keep a book in which the names of all the streets and highways, which now are or may hereafter be accepted or laid out in the City, shall be alpha-

betically arranged, with the date of such laying out or acceptance, and the width thereof, and all alterations therein from time to time.

[Passed September 14, 1846.]

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[No. 18.]

### AN ORDINANCE

To establish the City Seal.

*Be it ordained, &c., as follows :*

That the following be the device of the City Seal, as suggested by B. E. Cotting, M.D., to wit: On the right of the centre of the foreground, a young matron, seated, resting her left arm upon a shield, on which are inscribed the Arms of the State; holding in her extended right hand a Mural Crown, as in the act of presenting it:—on the centre and left of the background a view of the City:—in front of which on the middle ground a train of railroad cars passing towards the metropolis; above, on a scroll, the word ROXBURY; beneath, CONDITA, A. D. 1630. In the lower semi-circle of the border, CIVITATIS REGIMINE DONATA, A. D. 1846; and in the upper, the motto, SAX-ETUM DEXTRIS DEOQUE CONFIDENS.



[Passed October 26, 1846.]

[No. 19.]

## AN ORDINANCE

Relative to the enacting style of the City Ordinances.

*Be it ordained, &c., as follows :*

SECT. 1. All by-laws passed by the City Council, shall be termed "Ordinances," and the enacting style shall be, "*Be it ordained by the City Council of the City of Roxbury, as follows : —*"

SECT. 2. The enacting clause of the following City Ordinances, viz.:

An Ordinance establishing a system of accountability in the expenditures of the City — passed May 18, 1846:

An Ordinance authorizing the appointment and establishing the duties of a City Marshal — passed May 18, 1846:

An Ordinance concerning the form of Warrant, and the service and return thereof — passed May 18, 1846:

An Ordinance establishing the office of City Messenger — passed May 18, 1846:

An Ordinance relating to the election of certain City officers — passed May 18, 1846:

An Ordinance prescribing the manner of recording the Ordinances of the City — passed May 18, 1846:

An Ordinance establishing a system for collecting the Taxes of the City of Roxbury — passed June 8, 1846:

An Ordinance establishing the office of Commissioner or Commissioners of Highways, and defining the duties thereof — passed June 22, 1846:

An Ordinance regulating the Fire Department of the City of Roxbury — passed July 20, 1846:

An Ordinance establishing a Watch, for preserving the safety and good order of the City of Roxbury — passed July 27, 1846:

An Ordinance restraining the going at large of Dogs within the City of Roxbury — passed August 6, 1846:

An Ordinance in relation to Burial Grounds and the interment of the dead — passed August 6, 1846:

An Ordinance prescribing rules and regulations relative to nuisances, sources of filth and causes of sickness within the City of Roxbury — passed August 6, 1846:

An Ordinance directing the manner in which the Ordi-

nances of the City Council shall be promulgated — passed August 6, 1846 :

Shall be so amended that the same may conform to the provision of the first section of this Ordinance, and the words "Be it further ordained that," wherever the same occurs in said Ordinances, shall be stricken out.

SECT. 3. This Ordinance shall take effect from and after its passage.

[Passed May 24, 1847.]

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[No. 20.]

### AN ORDINANCE

Providing for the execution of Deeds, Leases, and other legal instruments in behalf of the City.

*Be it ordained, &c., as follows :*

SECT. 1. The Mayor of the City is hereby authorized and empowered to affix the City Seal unto, and to execute and deliver in behalf of the City, all deeds and leases of lands and buildings sold or leased by the City, and all discharges, releases, assignments, agreements or other legal instruments, made and entered into by order of the City Council.

SECT. 2. The fifth section of the Ordinance establishing a system of accountability in the expenditures of the City, so far as the same relates to the execution of leases by the City Treasurer, is hereby repealed.

SECT. 3. This Ordinance shall take effect from and after its passage.

[Passed May 24, 1847.]

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[No. 21.]

### AN ORDINANCE

In addition to an Ordinance regulating the Fire Department of the City of Roxbury.

[Repealed by Ordinance No. 34.]

[No. 22.]

## AN ORDINANCE

Relating to the Expenditures for Schools.

*Be it ordained, &c., as follows :*

SECT. 1. The appropriations made by the City Council for the salaries of the teachers of the public schools, shall be expended under the direction of the School Committee; and all bills and accounts for the same, and all bills and accounts for books, stationery, maps and scientific apparatus, furnished for the schools by the School Committee, when certified by the Chairman or Secretary of said Committee, shall be audited by the Committee on Accounts and be paid from the City Treasury.

SECT. 2. Whenever any new school house or the enlargement of any school house shall be required, it shall be the duty of the Committee on Public Property to confer with the School Committee as to the location and building or enlargement of such school house; and said Committee, when directed by the City Council, shall purchase land for that purpose, and by contract or otherwise, erect or enlarge such school house in such manner and after such plans as they may deem expedient. *Provided*, that the expense shall not exceed the appropriation therefor; and said Committee shall also provide rooms and furnish the same for the use of schools, whenever such rooms and furniture shall be necessary, provided that the expense thereof shall not exceed the sum of one hundred dollars in any one instance.

SECT. 3. The Committee on Public Property shall cause all necessary repairs to be made in and upon the several school houses and the grounds attached thereto, belonging to the City, and provide all necessary articles for the comfort and convenience of the schools (with the exception of fuel) that may be deemed necessary, provided the School Committee may make any necessary repairs and provide all articles that they may deem necessary for the comfort and convenience of the schools, whenever such repairs or supplies shall not exceed the sum of fifty dollars in any one instance.

SECT. 4. This Ordinance shall take effect from and after its passage.

[Passed July 26, 1847.]

[No. 23.]

## AN ORDINANCE

In addition to "An Ordinance to prevent unlawful and injurious practices in the Streets and other Public Places of the City."

*Be it ordained, &c., as follows :*

SECT. 1. No person shall make, erect or maintain any gate, in or upon any street, lane, alley or sidewalk in the City, in such a manner, as when opening the same, it shall swing over such street, lane, alley or sidewalk.

SECT. 2. Any person who shall offend against the provisions of this Ordinance, shall be liable to the forfeitures and may be prosecuted and tried in the manner prescribed in the Ordinance to which this is an addition.

[Passed March 20, 1848.]

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[No. 24.]

## AN ORDINANCE

Establishing the name of the Rural Cemetery.

*Be it ordained, &c., as follows :*

SECT. 1. The Rural Cemetery recently established by the City Council, shall be called and known by the name of "FOREST HILLS."

SECT. 2. This Ordinance shall take effect from and after its passage.

[Passed July 3, 1848.]

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[No. 25.]

## AN ORDINANCE

In relation to Numbering Houses and other buildings.

*Be it ordained, &c., as follows :*

The Mayor and Aldermen shall have power to cause numbers of regular series to be affixed to all dwelling

houses and other buildings, fronting on any street, lane, alley or public court within the City of Roxbury, at their discretion; and shall also have power to determine the form, size and material of such numbers, and the mode, place, succession and order of affixing them on the houses and other buildings: *provided* it can be done without expense to the City.

[Passed October 10, 1848.]

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[No. 26.]

### AN ORDINANCE

In addition to "An Ordinance prescribing Rules and Regulations relative to nuisances, sources of filth and causes of sickness within the City of Roxbury."

*Be it ordained, &c., as follows:*

SECT. 1. No burial ground or cemetery shall hereafter be enlarged or established in the City of Roxbury, nor shall any dead body be buried in any place within said City, other than such as shall have been established or used as a cemetery before the passage of this Ordinance, unless permission shall have been previously given by the City Council.

SECT. 2. The top of each and every coffin deposited in the ground in any such burial place within said City, shall be at least three feet below the usual surface thereof.

SECT. 3. Any person offending against any of the provisions of this Ordinance, shall forfeit for each and every offence a sum not less than five or more than twenty dollars, and shall also be liable to prosecution for the penalty for such offences established by the twenty-first chapter of the Revised Statutes.

SECT. 4. All Ordinances, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECT. 5. This Ordinance shall take effect from and after its passage.

[Passed December 11, 1848.]

[No. 27.]

## AN ORDINANCE

In addition to "An Ordinance in relation to Burial Grounds and the Interment of the Dead."

*Be it ordained, &c., as follows :*

SECT. 1. Fees not exceeding the following, shall be collected and paid for the services of the Undertakers, instead of those established by the Ordinance, to which this is in addition, viz. : For digging a grave and covering the same, for a person over ten years of age, *one dollar*, and for a child not over ten years of age, *sixty-three cents* ; for opening and closing a tomb for the reception of a corpse, *fifty cents* ; for services at the funeral and transporting in a car the body of a person over ten years of age to the place of interment, *four dollars*, and of a child not over ten years of age, *three dollars* ; for removing a body from a grave to a grave or tomb, *four dollars* ; and from a tomb to a grave or tomb, *two dollars and twenty-five cents* ; for attending funerals of deceased persons brought from other places into this City for interment, if in a grave, *two dollars*, but if in a tomb, *one dollar* ; for removing a deceased person from this City to any other city or town, or from any city or town to this City, for interment, *three dollars*.

SECT. 2. So much of the "Ordinance in relation to Burial Grounds and the Interment of the Dead," passed August 6, 1846, to which this is in addition, as is inconsistent herewith, is hereby repealed.

SECT. 3. This Ordinance shall take effect from and after its passage.

[Passed Jan. 8, 1849.]



[No. 28.]

## AN ORDINANCE

In addition to "An Ordinance to prevent unlawful and injurious practices in the Streets and other Public Places in the City."

*Be it ordained, &c., as follows:*

SECT. 1 The Mayor and Aldermen shall establish such places as they may deem necessary, as stands for the sale and measuring of wood and bark brought into the City in carts, wagons or sleds, from the country.

SECT. 2. Any person bringing wood or bark into the City for sale, as aforesaid, who shall, before or after the same has been duly measured, stand for sale thereof in any other street or place than those appointed by the Mayor and Aldermen, shall forfeit and pay a sum not exceeding two dollars for each offence.

SECT. 3. This Ordinance shall take effect and go into operation from and after the fifteenth day of January, eighteen hundred and forty-nine.

[Passed January 8, 1849.]

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[No. 29.]

## AN ORDINANCE

Prescribing the form of Deeds to be executed for the conveyance of Lots in Forest Hills Cemetery.

WHEREAS, the Commissioners of the Forest Hills Cemetery have prepared a form for the conveyance of lots in said Cemetery, hereinafter set forth, and have advised that the same be approved and adopted by the City Council, therefore,

*Be it ordained, &c., as follows:*

SECT. 1. The form of the deeds to be executed for the conveyance of lots in Forest Hills Cemetery, by the Commissioners of said Cemetery, shall be as follows, viz.:

KNOW ALL MEN BY THESE PRESENTS, That the City of Roxbury, in the County of Norfolk, and Commonwealth of

Massachusetts, in consideration of ——— dollars, paid to it by ———, the receipt whereof is hereby acknowledged, doth hereby grant, bargain, sell and convey to the said ———, heirs and assigns, One Lot of Land in the Rural Cemetery in said Roxbury, called the Forest Hills Cemetery, situated on the way called ———, and the sole and exclusive right of burial of the dead therein: The said granted lot contains ——— superficial square feet, and is numbered ——— on the plan of said Cemetery, which is in the possession of the Board of Commissioners having the care, superintendence and management thereof, and may be inspected by the said grantee, his heirs and assigns, at all reasonable times. To have and to hold, the aforegranted premises unto the said ——— heirs and assigns forever; but subject to the restrictions, limitations and conditions, and with the privileges following, viz.:

*First.* That the proprietors of the said lot shall have the right to enclose the same with a wall or fence, not exceeding one foot in thickness, which may be placed on the adjoining land of the said city, exterior to the said lot.

*Second.* That the said lot shall not be used for any other purpose than as a place of burial for the dead; and no trees within the lot or border shall be cut down or destroyed, without the consent of the said Commissioners.

*Third.* That the proprietors of said lot shall have the right to erect monuments, cenotaphs or stones, commemorative of the dead: or to cultivate trees, shrubs or plants in the same.

*Fourth.* That the proprietor of said lot shall erect, at his own expense, suitable landmarks of stone or iron at the corners thereof, and shall cause the number thereof to be legibly and permanently marked on the premises; and if the proprietor shall omit for thirty days after notice to erect such landmarks and to mark the number, the Commissioners shall have authority to cause the same to be done at the expense of said proprietor.

*Fifth.* That if any trees or shrubs in said lot shall become in any way detrimental to the adjacent lots or avenues, or dangerous or inconvenient, it shall be the duty of said Commissioners for the time being, to enter into said lot and remove said trees or shrubs, or such parts thereof as are thus detrimental, dangerous or inconvenient.

*Sixth.* That if any monument or effigy, cenotaph or other structure whatever, or any inscription, be placed in or upon the said lot, which shall be determined by a majority of the said Commissioners for the time being, to be offensive or improper, the said Commissioners, or a majority of them, shall have the right and it shall be their duty to enter upon said lot and remove said offensive or improper object or objects.

*Seventh.* No fence, shall at any time, be erected or placed in or around said lot, the materials or design of which shall not first have been approved by said Commissioners, or a committee of them.

*Eighth.* No tomb shall be constructed or allowed within the bounds of the Cemetery, unless by special permission of the said Board of Commissioners, and in such places and in such manner as the Commissioners shall direct. And no proprietor shall suffer the remains of any person to be deposited within the bounds of his lot for *hire*.

*Ninth.* The said lot shall be indivisible; and upon the death of the grantee, the devisee of said lot, or the heir at law, shall be entitled to all the privileges of the original grantee; and if there be more than one devisee or heir at law, the said Board of Commissioners shall designate which of said devisees or heirs at law shall then exercise the right of using said lot, which designation shall continue in force until by death or removal, or other sufficient cause, another designation shall become necessary; and in making such designation said Commissioners shall, as far as they conveniently may, give the preference to males over females, and to proximity of blood and priority of age; having due regard, however, to proximity of residence.

*Tenth.* The said lot shall be holden subject to all by-laws, rules and regulations made and to be made by the said Board of Commissioners, in pursuance of authority granted to them in and by any act or acts of the Commonwealth of Massachusetts.

And the said City of Roxbury hereby covenants to and with the said ———, heirs and assigns, that the said City is lawfully seized in fee simple of the aforegranted premises, and of the ways leading to the same from the highway, that the granted premises are free from all incumbrances, that the said City hath good right to sell and convey

the same to the said ———, in the manner and for the purposes aforesaid, and will warrant and defend the same unto the said ———, heirs and assigns forever.

IN WITNESS WHEREOF, the said City of Roxbury hath caused these presents to be signed by ———, the Chairman of the said Board of Commissioners, to be countersigned by ———, their Secretary, and ———, the Treasurer of the said City, and to be sealed with its common seal, this ——— day of ———, in the year of our Lord, eighteen hundred and ———.

Signed, sealed and delivered in presence of

—————.

—————, *Chairman.*

Countersigned,

—————, *Secretary.*

—————, *City Treasurer.*

CITY OF ROXBURY. City Clerk's Office, ——— 18——.

I hereby certify that the foregoing Deed has been received, entered and recorded in this office, in the book provided for the purpose, being Book No. ———, and page No. ———.

—————, *City Clerk.*

SECT. 2. All deeds executed in conformity to the preceding section, shall be signed by the Chairman of the Board of Commissioners of Forest Hills Cemetery, and countersigned by their Secretary and the City Treasurer, and shall have the City Seal affixed thereto.

SECT. 3. Said deeds shall be recorded by the City Clerk, in a book provided for that purpose, and to be kept in his office.

SECT. 4. This Ordinance shall take effect from and after its passage.

[Passed January 22, 1849.]

[No. 30.]

### AN ORDINANCE

In addition to an Ordinance [No. 10] regulating the Fire Department of the City of Roxbury.

[Repealed by Ordinance No. 34.]

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[No. 31.]

### AN ORDINANCE

In addition to "An Ordinance to establish a Watch for preserving the safety and good order of the City of Roxbury."

*Be it ordained, &c., as follows :*

SECT. 1. That the Mayor and Aldermen be and they are hereby authorized and directed to appoint such a number of sober, discreet and able-bodied men of good moral character, as they may deem expedient, to be Watchmen in the City of Roxbury, from such hour in the evening until such hour in the morning, as the Mayor and Aldermen shall direct.

SECT. 2. So much of Ordinance No. 11, relative to the City Watch, passed July 27, 1846, to which this is in addition, as is inconsistent herewith, is hereby repealed.

SECT. 3. This ordinance shall take effect from and after its passage.

[Passed May 7, 1849.]

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[No. 32.]

### AN ORDINANCE

In addition to an addition to "An Ordinance prescribing Rules and Regulations relative to Nuisances, Sources of Filth and Causes of Sickness within the City of Roxbury."

*Be it ordained, &c., as follows :*

SECT. 1. The top of the uppermost of each and every coffin deposited in the ground in any burial place within

the City of Roxbury, shall be at least four feet below the usual surface thereof.

SECT. 2. Any person offending against any of the provisions of this Ordinance, shall forfeit for each and every offence, a sum not less than five, nor more than twenty dollars, and shall also be liable to prosecution for the penalty for such offences, established by the twenty-first chapter of the Revised Statutes.

SECT. 3. All Ordinances, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECT. 4. This Ordinance shall take effect and go into operation from and after the first day of January, eighteen hundred and fifty.

[Passed December 31, 1849.]

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[No. 33.]

### AN ORDINANCE

In relation to "Truant Children, and Absentees from School."

[Repealed by Ordinance No. 35.]

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[No. 34.]

### AN ORDINANCE

Regulating the Fire Department of the City of Roxbury.

*Be it ordained, &c., as follows :*

SECT. 1. The Fire Department of the City of Roxbury shall consist of a Chief Engineer, four Assistant Engineers, and of as many Enginemen, Hosemen and Hook and Laddersmen, to be divided into companies, as the number of Engines, and the number and quantity of other fire apparatus belonging to the City shall, from time to time, require.

SECT. 2. The Engineers shall be chosen annually in the month of April, by joint ballot of the two branches of the City Council in convention, and shall hold their office for one year from the first of May ensuing, and until others shall be chosen in their places. *Provided*, however, that no Assistant Engineer shall hold over, in case three of the

new Board are elected. And in all cases of holding over, preference shall be given to seniority of age.

Each Engineer shall, on his appointment, receive a written or printed certificate or warrant, in the words following, namely ;

This certifies, that \_\_\_\_\_ has been appointed  
Engineer of the Fire Department of the City of  
Roxbury, and is entitled to all the immunities belonging to  
said office.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18—.  
\_\_\_\_\_. Mayor.

\_\_\_\_\_, *City Clerk.*

SECT. 3. The Engineers, immediately on their election, shall organize themselves into a Board, by choosing a Secretary from their own number. The Chief Engineer shall be Chairman of the Board, provided in his absence the senior Assistant Engineer present, shall preside. The rank of the Assistant Engineers shall be determined by the Mayor and Aldermen.

All bills and accounts against the Department, shall be examined by the Chief Engineer, and if approved by him, shall be certified to the Committee on Accounts.

SECT. 4. The Engineers shall have the superintendence and control of all the engine and other houses used for the purposes of the Fire Department, and of all the furniture and apparatus thereto belonging, and of the Engines and all other fire apparatus belonging to the City, and over all the officers and members of the several companies attached to the Fire Department, and over all persons present at fires, and they may make such rules and regulations for the better government, discipline and good order of the Department, and for extinguishment of fires, as they may from time to time think expedient, the same not being repugnant to the laws of the Commonwealth, or to any Ordinance of the City, and being subject to the approval of the Mayor and Aldermen.

The Assistant Engineers shall report their absence from fires to the Chief Engineer, with the reasons therefor, who shall cause a record to be made of the same, and once in each year, prior to the election of Engineers, shall make a report thereof to the City Council.

SECT. 5. It shall be the duty of said Engineers, whenever a fire shall break out in the City, immediately to re-

pair to the place of such fire, and to carry with them a suitable staff, or badge, of their office; to take proper measures that the several Engines, and other apparatus, be arranged in the most advantageous situations, and duly worked for the effectual extinguishment of the fire; to require and compel assistance from all persons, as well members of the Department as others, in extinguishing the fire, removing furniture, goods or other merchandise from any building on fire, or in danger thereof, and to appoint guards to secure the same; and to suppress all tumults and disorders.

It shall also be their duty to cause order to be preserved in going to, working at, or returning from fires, and at all other times, when companies attached to the Department are on duty.

Whenever it shall be adjudged, at any fire, by any three or more of the Engineers, of whom the Chief Engineer, if present, shall be one, to be necessary in order to prevent the further spreading of the fire, to pull down or otherwise demolish any building, the same may be done by their joint order.

SECT. 6. The Chief Engineer shall have the sole command at fires, over all the other Engineers, all members of the Fire Department, and all other persons who may be present at fires; and shall direct all proper measures for the extinguishment of fires, protection of property, preservation of order, and observance of laws, ordinances, and regulations respecting fires. And it shall be the duty of the said Chief Engineer to examine into the condition of the Engines and all other fire apparatus, and of the engine and other houses, and the reservoirs belonging to the City, and used for the purposes of the Fire Department, and of the companies attached to the said Department, as often as circumstances may render it expedient, or whenever directed so to do by the Mayor and Aldermen, or by the Committee on the Fire Department, and annually to report the same to the City Council, and oftener, if requested. Also, to cause a full description of the same, together with the names, age and residence of the officers and members of the Department to be published annually, in such manner as the City Council shall direct; and whenever the Engines or other fire apparatus, engine or other houses used by the Department, require alterations, addition or repairs, the said Chief Engineer, under the direction of the Committee



on the Fire Department, shall cause the same to be made. And it shall be, moreover, the duty of the Chief Engineer to receive and transmit to the City Council, all returns of officers, members and fire apparatus, made by the respective companies, as hereinafter prescribed, and all other communications relating to the affairs of the Fire Department; to keep or to cause to be kept fair and exact rolls of the respective companies, specifying the time of admission and discharge of each member, and also a record of all accidents by fire, which may happen within the City, with the causes thereof, as well as can be ascertained, and the number and description of the building destroyed or injured, together with the names of the owners or occupants, and report the same, once in each year, to the City Council.

The appropriations for the Fire Department of the City of Roxbury, for new engines, apparatus, engine houses, extraordinary repairs and alterations upon engines or houses, and also appropriations for reservoirs, shall be expended by or under direction of the Committee on the Fire Department of the City Council.

SECT. 7. In the absence of the Chief Engineer, the Engineer next in rank who may be present, shall execute the duties of his office with full powers.

SECT. 8. No person under the age of twenty-one years shall be employed as a member of the Fire Department, nor shall any person be so employed who is not a citizen of the United States. And the names of all persons admitted into the several companies, or discharged therefrom, shall within ten days after such admission or discharge, be returned to the Chief Engineer.

SECT. 9. The terms of service for the members of the Fire Department may commence on the first day of May, August, November and February, and shall continue for periods of six months each; and no member shall be entitled to any pay, unless he has served three months in the company in which he enters. And the Clerks of the several companies shall, on or before the first day of August, November, February or May, return to the Chief Engineer a separate certificate of the service of each member of their respective companies.

SECT. 10. Each of the Engine, Hose and Hook and Ladder Companies, shall have a Foreman, an Assistant Foreman and Clerk, and these officers shall be chosen by the written votes of their respective companies, at a meet-

ing specially held for that purpose, in the month of May annually, of which meeting and purpose the members shall be notified by the Clerk, at least three days previous thereto, and if there be no Clerk, the commanding officer of said company for the time being, if there be one, may issue his order, in writing, to any member of the company, to perform that duty until one shall be elected. And if there be no commanding officer, the acting Chief Engineer shall issue the order as aforesaid, and shall likewise designate and detail some one of the Board of Engineers to preside at said meeting. The Clerks of the several companies, before entering upon their duties, shall be sworn to the faithful performance thereof. They shall make quarterly returns to the Chief Engineer, of all absences of members of their respective companies from fires, or fire alarms, or from meetings for the choice of officers.

SECT. 11. Whenever it shall appear that any person has a majority of the written votes of the electors, at a meeting notified as mentioned in the preceding section, and at which there shall be a majority of the whole company present, the presiding officer shall forthwith inform him of the fact, and shall make return of every election or failure to elect, to the Chief Engineer; and said return shall be transmitted by said Chief Engineer to the Mayor and Aldermen.

SECT. 12. If the person so receiving the vote of the company, shall be approved by the Mayor and Aldermen for the respective offices to which they shall have been elected, they shall receive a certificate of appointment, in the form as follows :

This certifies, that \_\_\_\_\_ is appointed \_\_\_\_\_ of  
 \_\_\_\_\_ Company No. \_\_\_\_\_ of the Fire Department of the  
 City of Roxbury, and is entitled to all the immunities be-  
 longing to said office.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18—.

\_\_\_\_\_, *Mayor.*

\_\_\_\_\_, *City Clerk.*

and shall be invested with all the authority, and subject to all the duty required by the laws, the City Ordinances and rules and regulations of the Fire Department. And in case the persons are not approved by the Mayor and Al-

dermen, the Mayor shall notify the Chief Engineer, who shall order a new election, held in the manner heretofore expressed. And if the members of the company shall then neglect or refuse to elect some person or persons to fill the vacant offices, whom the Mayor and Aldermen shall approve, the Mayor and Aldermen shall appoint some suitable person or persons to the same: or the said company may be disbanded by the Mayor and Aldermen. And the Mayor and Aldermen may, at any time, discharge<sup>1</sup> the officers or members of the said companies.

SECT. 13. Whenever any person shall have received his certificate of appointment to any office, as aforesaid, he shall perform all the duties thereof for the year which he was chosen, until discharged therefrom, either by death or resignation, or by order of the Mayor and Aldermen; in which case the Chief Engineer shall cause a meeting to be held, as before provided, to fill the vacancy.

SECT. 14. It shall be the duty of the Foreman to see that the several Engines, or other apparatus entrusted to their care, and the several buildings in which the same may be deposited, and all things in or belonging to the same, are kept neat, clean, and in order for immediate use; it shall also be their duty to preserve order and discipline at all times in their respective companies, and require and enforce a strict compliance with the City Ordinances, the rules and regulations of the Department and the orders of the Engineers. They shall also keep, or cause to be kept, by the Clerks of their respective companies, fair and exact rolls, specifying the time of admission and discharge of each member, with their age and residence, and accounts of all the City property entrusted to the care of the several members, in a book provided for that purpose by the City, which rolls or record books shall always be subject to the order of the Board of Engineers, the Mayor and Aldermen, or the Committee on the Fire Department. They shall also make or cause to be made, to the Chief Engineer, true and accurate returns of all the members and the apparatus entrusted to their care, whenever called upon so to do.

SECT. 15. It shall be the duty of the officers and members of the several Engine, Hose and Hook and Ladder Companies, whenever a fire shall break out in the City, to repair

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<sup>1</sup> Board of Engineers may suspend in certain cases. Ord. No. 51.

forthwith to their respective Engines, Hose, and Hook and Ladder carriages, and other apparatus, and to convey them in as orderly a manner as may be, to or near the place where the fire may be, and in conformity with the directions of the Chief, or other Engineers, to exert themselves in the most orderly manner possible, in working and managing the said Engines, Hose, and Hooks and Ladders and other apparatus, and in performing any duty that they may be called on to do by any Engineer; and upon permission of the Chief or other Engineer, shall in an orderly and quiet manner return the said apparatus to their respective places of deposit. *Provided*, in the absence of all the Engineers, such direction and permission may be given by their respective Foremen.

SECT. 16. The Board of Engineers, upon the nomination of the company, from among the members, may appoint two or more Suction Hose men, and three or more Leading Hose men, for each Engine company, and the men thus appointed shall hold their places for one year, unless sooner removed by the Board of Engineers, and until others are appointed in their places.

SECT. 17. The Engineers shall in like manner appoint a Steward to each company, who shall hold his office for one year, unless sooner removed by the Board of Engineers, and until another shall be appointed in his place. It shall be the duty of the Steward to keep the house, Engine, hose, or other apparatus belonging to the company, clean and ready for immediate use.

SECT. 18. The Engineers and members of the several companies regularly appointed, shall wear such caps, badges or insignia as the Mayor and Aldermen may from time to time direct, to be furnished at the expense of the City, and no other person or persons shall be permitted to wear the same, except under such restrictions and regulations as the Mayor and Aldermen may direct.

SECT. 19.<sup>1</sup> The members of the several companies shall not assemble in the houses entrusted to their care except for the purpose of taking the Engine or apparatus, on an alarm of fire, and of returning the same to the house, and taking the necessary care of said apparatus after its return; and except for the business meetings of the companies.

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<sup>1</sup> Repealed by Ord. No. 47, and a different regulation made.

SECT. 20. No company shall draw water from the Reservoirs or Hydrants, except in case of fire, unless by special permission of the Chief Engineer.

SECT. 21. No Engine, Hose or Hook and Ladder carriage, shall be taken to a fire out of the City, without permission of an Engineer; nor shall any of the apparatus of the Fire Department be taken from the City, other than to a fire, without permission from the Mayor and Aldermen.

SECT. 22. All Ordinances in relation to the Fire Department, prior to this, are hereby repealed.

SECT. 23. This Ordinance shall go into effect from and after the first day of May, 1851.

[Passed April 7, 1851.]

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[No. 35.]

#### AN ORDINANCE

In relation to Truant Children and Absentees from School.

[Repealed by Ordinance No. 38.]

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[No. 36.]

#### AN ORDINANCE

In addition to "An Ordinance prescribing Rules and Regulations relative to nuisances, sources of filth, and causes of sickness within the City of Roxbury."

*Be it ordained, &c., as follows:*

SECT. 1. The Mayor and Aldermen shall constitute the Board of Health of the City,<sup>1</sup> for all purposes, and shall exercise all the powers vested in, and shall perform all the duties prescribed to the City Council, as a Board of Health; subject only to any limitations and restrictions contained in the ordinances, regulations and orders of the City Council.

SECT. 2. Whenever, upon due examination, it shall appear to the Mayor and Aldermen, that the number of per-

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<sup>1</sup> But see 2d sec. of Act of May 2, 1849, page 36.

sons occupying any tenement or building in the City, is so great as to be the cause of nuisance and sickness, and the source of filth; or that any tenement or building are not furnished with sufficient drains, and suitable privies and vaults, according to the provisions of Ordinance No. 14, they may thereupon issue notice, in writing, to such persons, or any of them, requiring them to remove from and quit such tenement or other building within such time as the Mayor and Aldermen shall deem reasonable. And if the person or persons so notified, or any of them, shall neglect or refuse to remove from and quit such tenement or building within the time mentioned in such notice, the Mayor and Aldermen are hereby authorized and empowered thereupon forcibly to remove them; and such person or persons shall further be liable to a penalty for such neglect and refusal.

SECT. 3. Every person offending against any of the provisions of this Ordinance, in relation to which a penalty is not prescribed by the laws of the Commonwealth, shall forfeit and pay a sum not less than five dollars or more than twenty dollars for each offence.

SECT. 4. This Ordinance shall take effect and go into operation from and after its passage.

[Passed July 7, 1851.]

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[No. 37.]

## AN ORDINANCE

Establishing the Office of City Crier.

*Be it ordained, &c., as follows :*

SECT. 1. The Mayor and Aldermen may from time to time grant licenses to such and so many persons as they may deem expedient to be "Common Criers" in the City; and such licenses shall continue in force until the first day of May next after the date thereof, unless sooner revoked by the Mayor and Aldermen, and no longer.

SECT. 2. No person shall be a Common Crier within the City of Roxbury, or cry any goods, wares or merchandise, lost or found, stolen goods, strays or public sales, in any of

the streets, squares, lanes or market places, within the City, unless he shall be licensed as aforesaid.

SECT. 3. Every person so licensed shall keep a true and perfect list of all the matters and things by him cried, and the names of the persons by whom he was employed to cry the same, which list shall be open and subject to the inspection of the Mayor and Aldermen, whenever they shall demand the same; and no Common Crier shall publish or cry any abusive, libellous, profane or obscene matter or thing whatsoever.

SECT. 4. Any person who shall be guilty of a violation of this Ordinance, or any part thereof, shall forfeit and pay for each offence a sum not less than one dollar, nor more than twenty dollars.

[Passed June 28, 1852.]

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[No. 38.]

## AN ORDINANCE

In relation to Truant Children and Absentees from School.

*Be it ordained, &c., as follows :*

SECT. 1. The City of Roxbury hereby adopts the two hundred and ninety-fourth chapter of the laws of this Commonwealth, for the year one thousand eight hundred and fifty, entitled "An Act concerning Truant Children and Absentees from School," and the act in addition thereto, passed the twentieth day of May, in the year one thousand eight hundred and fifty-two, and avails itself of the provisions of said acts.

SECT. 2. Any minor between the ages of six and fifteen years, who has not attended school, in conformity to the laws of this Commonwealth, all habitual truants and absentees from school, all children that are about the streets begging and collecting swill, or trespassing upon lands, gardens or orchards, upon conviction of any offence herein described, shall be punished by fine not exceeding twenty dollars; or instead thereof, by being committed to the almshouse establishment, at the discretion of the Justice of the Peace having jurisdiction of the case, for such time as said Justice of the Peace may determine, not exceeding one

year. *Provided*, however, that any minor convicted of either of the offences herein mentioned, may be discharged by such Justice of the Peace according to the provisions of the said acts.

SECT. 3. The several Justices of the Peace for the County of Norfolk, residing within the City of Roxbury, shall have jurisdiction of the offences herein set forth, and the almshouse establishment is hereby assigned and provided as the institution of instruction, house of reformation, or suitable situation mentioned in said acts.

SECT. 4. The Mayor and Aldermen shall forthwith after the passage of this Ordinance, and hereafter in the month of January, annually, appoint three or more persons to make the complaints in every case of violation of this Ordinance, to the said Justices of the Peace, and to carry into execution the judgments of said Justices in conformity to the provisions of said acts.

SECT. 5. The Ordinance relating to Truant Children and Absentees from School, passed May 12, 1851, is hereby repealed.

SECT. 6. This Ordinance shall go into effect from and after its passage and approval by the Court of Common Pleas for the County of Norfolk, and no Ordinance which has been heretofore repealed shall be revived by the repeal herein contained.

[Passed July 12, 1852.]

[Approved September term Court of Common Pleas.]

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[No. 39.]

## AN ORDINANCE

Concerning the removal of House Offal and Night Soil  
from the City.

*Be it ordained, &c., as follows:*

SECT. 1. All house offal, whether consisting of animal or vegetable substances, shall be deposited in convenient vessels, and kept in some convenient place, to be taken away by or under the direction of the person appointed by the Mayor and Aldermen for that purpose; which shall be done not less than twice in each week.



SECT. 2. No vault or privy shall be emptied except under the direction of the person appointed by the Mayor and Aldermen, and conformable to such regulations as the Mayor and Aldermen shall make on the subject, and always at the expense of the owner, agent, occupant or other person having charge of the tenement in which such vault is situated.

SECT. 3. No person, except such as shall have been appointed by the Mayor and Aldermen for that purpose, or his agents, shall collect, remove or carry away from any dwelling house or other place, through any of the streets of this City, any house offal or night soil.

SECT. 4. The Mayor and Aldermen, immediately after the passage of this Ordinance and thereafter, in the month of April annually, shall appoint a suitable person whose duty it shall be to take charge of the removal of offal and night soil. And the person so appointed shall cause the same to be used on the City lands, or shall have the power to sell and dispose of any portion of the night soil not so used that he may deem proper, and he shall make and render annually, in the month of February, an account of all that may have been sold, and pay over the proceeds to the City Treasurer.

SECT. 5. A book shall be kept in the office of the City Marshal, in which shall be entered all applications for opening and cleansing vaults, and the same shall receive attention in the order in which they are made. The Mayor and Aldermen shall from time to time determine the sum to be paid by persons who shall make such applications.

SECT. 6. This Ordinance shall not apply to any persons who may use their house offal or night soil on their own premises.

SECT. 7. Any persons offending against any of the provisions of this Ordinance, shall be punished by a fine not exceeding twenty dollars.

SECT. 8. This Ordinance shall take effect and go into operation in twenty days from and after its passage.

[Passed June 27, 1853.]

[No. 40.]

## AN ORDINANCE

Establishing the Office of Commissioner of Streets, and defining the Duties thereof.

*Be it ordained, &c., as follows :*

SECT. 1. Forthwith and hereafter, in the month of January annually, there shall be appointed by the Mayor and Aldermen a Commissioner of Streets, who shall continue in office until removed, or until a successor be appointed. He shall receive such compensation for his services as the Mayor and Aldermen shall establish, and shall be removable at the pleasure of the Mayor and Aldermen ; and in case said office shall become vacant by death, resignation, or otherwise, a successor shall forthwith be appointed.

SECT. 2. It shall be the duty of the Commissioner of Streets, under the general care and direction of the Mayor and Aldermen, to superintend the general state of the streets, roads, sidewalks, lanes, bridges, public walks and squares of the City ; to attend to the making, widening or alteration of the same, to cause the same to be kept in good, sufficient and suitable repair, and when so ordered, to make all contracts for the supply of labor and the materials therefor, to superintend the building and repairs of any drains or sewers for the City, and shall give notice to the Mayor or to such person as he may direct, in case of nuisance, obstruction or encroachment in or upon any of the streets, roads, sidewalks, bridges, public walks or squares of the City. And the City shall not be responsible for any of his doings that have not been ordered by the City Council, the Mayor and Aldermen, or the Surveyors of Highways, or sanctioned by express vote.

SECT. 3. The said Commissioner, under the control and direction of the Mayor and Aldermen, shall have the care and superintendence of the City stables, horses, carts, vehicles, tools, implements and other property of the City belonging to or attached to this department, and shall see that the same are kept in good order and condition, and shall make all necessary arrangements for cleaning the streets and disposing of manure and house dirt.

SECT. 4. The said Commissioner shall keep an exact

account of the receipts and expenditures in his department, with the names of all persons who have furnished materials, and of all workmen, and the amount due to each individual, and shall lay the same before the Mayor and Aldermen for their examination and allowance, at least once in each month, and at such other times as the said Mayor and Aldermen may direct. And he shall, on or before the last Monday in January, annually, make and render to the City Council, a report containing a general statement of the expenses of his department during the preceding year, and specifying as near as may be the amounts expended upon different streets for sidewalks, number of feet of edgestones laid, number of yards of paving and cost of same, and such other information as he may consider desirable, together with a schedule in detail of the property under his charge belonging to the City.

SECT. 5. The Ordinance entitled, "An Ordinance establishing the office of Commissioner or Commissioners of Highways, and defining the duties thereof," passed the twenty-second day of June, in the year eighteen hundred and forty-six, is hereby repealed.

SECT. 6. This Ordinance shall take effect and go into operation from and after its passage.

[Passed March 20, 1854.]

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[No. 41.]

## AN ORDINANCE

In Relation to the Acceptance of Streets in the City of Roxbury.

*Be it ordained, &c., as follows :*

SECT. 1. No street already laid out and not built upon, or which shall hereafter be laid out, shall be accepted by the City Council, unless the same shall be fifty feet in width.

SECT. 2. No street shall hereafter be accepted by the City Council, until the grade of said street shall have been first determined by the Board of Aldermen, and surveyed by a competent surveyor, duly appointed by the said Board, and until a plan of said street, drawn by the said surveyor

at the expense of the abutters on said street, shall have been deposited with the City Treasurer.

SECT. 3. No street shall be accepted by the City Council, until the grade of such street shall have been first made, at the expense of the abutters, to correspond with the plan of the surveyor.

SECT. 4. This Ordinance shall take effect immediately after its passage.

[Passed April 3, 1854.]

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[Nó. 42.]

### AN ORDINANCE

To repeal "An Ordinance authorizing the Appointment and prescribing the Duties of a City Marshal."<sup>1</sup>

*Be it ordained, &c., as follows :*

SECT. 1. The Ordinance authorizing the appointment and prescribing the duties of a City Marshal, is hereby repealed.

SECT. 2. This Ordinance shall take effect from and after its passage.

[Passed May 8, 1854.]

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[No. 43.]

### AN ORDINANCE

Establishing the Office of City Solicitor.

*Be it ordained, &c., as follows :*

SECT. 1. That annually in the month of February, and whenever a vacancy in the office may occur, there shall be chosen by a concurrent vote of both branches of the City Council, a Solicitor for the City of Roxbury, who shall be a resident citizen thereof, and who shall have been admitted an attorney and counsellor of the Courts of the Commonwealth, and who shall be removable at the pleasure of the City Council.

SECT. 2. That it shall be the duty of said Solicitor to

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<sup>1</sup> Ord. No. 45 provides for appointment of City Marshal.

draft all legal instruments which may be required of him, by any ordinance or order of the Mayor and Aldermen, or of the City Council, or which may be requisite to be made by the City of Roxbury, and any person contracting with the City in its corporate capacity, and which by law, usage or agreement, the City is to be at the expense of drawing.

SECT. 3. That it shall be the duty of the City Solicitor to commence and prosecute all actions and suits to be commenced, and to prosecute all actions already commenced by the City before any tribunal in this Commonwealth, and also to appear in, defend and advocate the rights and interests of the City, or any of the officers of the City, in any suit or prosecution for any act or omission in the discharge of their official duties, wherein any estate, right, privilege, ordinance or acts of the City Government, or any breach of any ordinance may be brought in question. And said Solicitor shall also appear before the Legislature of the Commonwealth, or any Committee thereof, or any Board of Commissioners or Referees appointed by law, and there represent, defend and advocate the interests of the City whenever the same may be in any way affected, whether to prosecute or defend the same; and he shall, in all matters, transact all professional business incident to the office, which may be required of him by the City Government, or by any Committee thereof; and he shall, when required, furnish the Mayor and Aldermen, the Common Council, or any Committee of either or both branches, or any member thereof, or any officer of the City Government who may require it in the official discharge of his duties, with his legal opinion on any subject relating to the duties of their respective offices. And his opinion shall be given in writing whenever required.

SECT. 4. That in full compensation for all the services of said Solicitor, he shall receive the sum of *five hundred dollars* for the first year, after which he shall receive such salary as the City Council may from time to time determine upon; and said salary shall be paid in equal quarterly payments. In all cases, however, when his attendance may be required out of the City, his reasonable travelling expenses shall be allowed him; and in suits and prosecutions he shall be entitled to receive and retain for his own use, the legal taxable costs which may be recovered of the adverse party, where the City shall recover the same, according to the usage and practice in the Courts.

SECT. 5. The said Solicitor shall enter upon the discharge of the duties of his office immediately after he is chosen, the present year, and afterwards upon the first of March, annually.

SECT. 6. This Ordinance shall take effect from and after its passage.

[Passed Feb. 5, 1855.]

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[No. 44.]

### AN ORDINANCE

Relating to Expenditures for Lamps.

*Be it ordained, &c., as follows :*

SECT. 1. The appropriations made by the City Council for Lamps, shall be expended under the direction of the Committee on Lamps. And all bills and accounts for lamps, lamp-posts, oil, camphene and gas, when certified by the Chairman of said Committee, shall be audited by the Committee on Accounts, and be paid from the City Treasury.

SECT. 2. Said Committee shall from time to time cause such additional Lamps to be set up as they may determine that the public safety and convenience require, (provided the expense shall not exceed the appropriation therefor,) and shall make such rules and regulations respecting the lighting, extinguishing and preservation of such Lamps as they may deem most for the benefit of the City.

SECT. 3. Said Committee shall annually, in the month of October, report to the City Council the condition of the City Lamps ; the manner the appropriations under their direction have been expended, and make such suggestions in reference to future appropriations and expenditures for the purpose, as in their judgment the public safety and convenience may require.

SECT. 4. This Ordinance shall take effect from the date of its passage.

[Passed Feb. 12, 1855.]

[No. 45.]

## AN ORDINANCE

Authorizing the Appointment and prescribing the Duties of  
City Marshal.

*Be it ordained, &c., as follows :*

SECT. 1. The Mayor and Aldermen shall forthwith and hereafter, in the month of April, annually, appoint a City Marshal, and such number of Assistants as they may deem necessary for day and night Police, with the powers and duties of Constables, who shall remain in office until the next annual election, unless removed as hereinafter provided.

SECT. 2. Said Marshal shall have precedence and command over his Assistants, and the other Constables, whenever engaged in the same service, or when directed thereto by the Mayor and Aldermen, and before entering upon the duties of his office, shall be sworn to the faithful performance of its duties by the Mayor, and shall also give bonds to the Treasurer of the City of Roxbury in the sum of *five hundred dollars*, with sufficient sureties, to be approved by the Mayor and Aldermen, for the faithful performance of the duties of said office.

SECT. 3. It shall be the duty of the City Marshal, from time to time, to pass through the streets, lanes, alleys and courts of the City, to observe all nuisances, obstructions and impediments therein, to the end that the same be removed or prosecuted, according to law; to notice all offences against the laws and against the ordinances of the City, taking the names of the offenders, to the end that the same may be prosecuted. It shall also be his duty to receive all complaints of the inhabitants, made for any breach of the laws or ordinances of the City. It shall also be his duty to enforce and carry into effect, to the utmost of his power, all and every of the City ordinances and by-laws. It shall also be his duty to attend all fires by day and by night, and report himself to the Chief Engineer or his successors, and exert himself to the utmost of his powers to keep good order, to remove all suspected persons from the vicinity of the fire, and to protect the property of the citizens from loss or damage. He shall also, whenever requested by the Chief Engineer, visit and direct his Assist-

ants to visit, at all hours of the day or night, each and all of the engine houses for the purpose of aiding in the enforcement of the City ordinances. It shall also be his duty, and that of his Assistants, to act as Truant Officers in the enforcement of the ordinance in regard to truants and absentees from school. It shall be his duty to execute all orders and commands of the Mayor and of the Board of Aldermen, in relation to any matter or thing in which the City shall be in anywise concerned or interested. He shall be vigilant to detect the breach of any law, by-law or ordinance. It shall also be his duty to prosecute all offenders as soon as may be, and attend, in behalf of the City, the trials of all offences which may be prosecuted; and to use all lawful means for the effectual prosecution and final conviction of offenders, and to lay before the Mayor and Aldermen a correct statement of all prosecutions by him instituted in behalf of the City, or in which the City is any way concerned, within one week after their final determination respectively, and once a month furnish the Mayor with a detailed report, in writing, of such offences against the laws or the City ordinances, as he may have detected. It shall also be his duty to collect, receive and pay over to the Treasurer of the City, all fines and penalties incurred for violations of the by-laws and ordinances of the City, and all fees received by himself or his Assistants as witnesses, or for service of criminal processes, or for services in behalf of the City; and further to perform all such other and additional duties, and to comply with all such regulations as may at any time be prescribed to him by the Mayor and Aldermen.

SECT. 4. The Mayor and Aldermen may, at any time, by vote, remove from office the said City Marshal and his Assistants, or any or either of them; and thereupon, or in case of the death or resignation of any or either of them, proceed to appoint a successor or successors for the residue of the year.

SECT. 5. The Assistant Marshals shall act under the direction of the City Marshal, and the Mayor and Aldermen, in the performance of their duties, and of any and all such duties as are prescribed in this Ordinance for the City Marshal.

SECT. 6. The City Marshal and Assistants shall receive in full for all their services, respectively, such compensation (per diem) as the City Council may from time to time de-



termine; together with all necessary charges for travel, offices, warming and lighting the same, and for all necessary implements for carrying out the purposes of a Police organization.

SECT. 7. This Ordinance shall take effect and go into operation from and after its passage.

[Passed Feb. 26, 1855.]

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[No. 46.]

### AN ORDINANCE

Amendatory of "An Ordinance in relation to the acceptance of Streets in the City of Roxbury."

[Repealed by Ordinance No. 49.]

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[No. 47.]

### AN ORDINANCE

Amendatory of "An Ordinance regulating the Fire Department of the City of Roxbury."

*Be it ordained, &c., as follows:*

SECT. 1. That Section 19 of the Ordinance aforesaid, be and hereby is repealed.

SECT. 2. The members of the several companies shall not assemble in the houses entrusted to their care on the Sabbath, except for the purpose of taking the Engine or apparatus, on an alarm of fire, and of returning the same to the house, and taking the necessary care of said apparatus after its return. And any member violating this regulation herein made, shall be liable to be discharged from the Department by the Mayor and Aldermen. This regulation shall not apply to the Officers and Stewards of the several companies.

SECT. 3. No person not connected with the Department shall enter the different engine houses in the City on the Sabbath, for any other purpose than to render assistance in taking or returning the Engine or Engines, or apparatus on an alarm of fire. And any person so offending shall forfeit the sum of five dollars, to be recovered on complaint made to the Presiding Justice of the Police Court of said City.

[Passed June 25, 1855.]

[No. 48.]

## AN ORDINANCE

Establishing the Office of City Physician.

*Be it ordained, &c., as follows :*

SECT. 1. There shall be chosen forthwith, and hereafter annually in the month of May, and whenever a vacancy occurs, by concurrent vote of the two branches of the City Council, a City Physician, who shall hold his office until he is removed, or a successor chosen in his place. He shall be removable at the pleasure of the City Council, and shall receive such compensation as the City Council shall from time to time determine.

SECT. 2. The said physician shall attend, at his office, or at such place as may be designated, at such times during the day as the Board of Aldermen may direct; and he shall vaccinate any inhabitant of the City, who shall apply to him for that purpose, without charge; he shall also give certificates of vaccination to such children as have been vaccinated, to enable them to obtain admission to the public schools: *provided*, that no person shall be entitled to the benefits of this section, who shall wilfully refuse or neglect to return to said physician when requested so to do, for the purpose of proving the effect of the vaccination, or of renewing the supply of virus for the use of said physician.

SECT. 3. The said City Physician shall always have on hand, as far as is practicable, a sufficient quantity of virus, and he shall supply the Consulting Physicians of the City, and the physicians of the Roxbury Dispensary, with the same without charge.

SECT. 4. He shall keep a record of all cases of Small Pox, or other malignant diseases, attended by him under this Ordinance, and make a report thereof to the City Council, as often as once in three months, or whenever the Board of Aldermen may direct.

SECT. 5. The said City Physician shall examine all causes of disease within the City, and inquire into all sources of danger to the public health; and in case of an alarm of any contagious, infectious, or other dangerous disease occurring in the City or neighborhood, to give to the Mayor, or either Board of the City Council, such pro-

fessional advice and information as they may request, with a view to the prevention of said diseases, and the preservation of the health of the inhabitants.

SECT. 6. The said City Physician shall likewise perform all professional services required at the City Almshouse, when called upon by the Superintendent of the same, the Overseers of the Poor, or Mayor and Aldermen; and shall likewise perform such duties as are required in "An Act to secure general vaccination," as the Mayor and Aldermen may direct.

SECT. 7. The said City Physician shall attend to all cases of disease that may occur among prisoners in the "Lock-up," and perform such other professional services as may be required at the aforesaid place when called upon by any of the City Police.

SECT. 8. This Ordinance shall go into effect on and after its passage.

[Passed July 16, 1855.]

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[No. 49.]

#### AN ORDINANCE

To Repeal Ordinance No. 46, entitled "An Ordinance amendatory of an Ordinance in relation to the Acceptance of Streets in the City of Roxbury."

*Be it ordained, &c., as follows :*

That Ordinance No. 46 be and the same is hereby repealed.

[Passed November 9, 1857.]

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[No. 50.]

#### AN ORDINANCE

To appropriate annually a certain amount of the Monies raised by Taxation towards a reduction of the City Debt.

*Be it ordained, &c., as follows :*

That all money received on account of the sale of real estate, of any description, now belonging, or which may

hereafter belong to the City; all receipts on account of the principal sum of any Bond or Note owned by the City, or which may hereafter be owned by them; and also, of the Annual City Tax in every year after the financial year ending April 30, 1859, a sum that shall not be less than three per centum of the amount of the principal of the City Debt, shall be, and the same is hereby appropriated for the payment or purchase of the capital of the City Debt.

[Passed June 14, 1858.]

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[No. 51.]

### AN ORDINANCE

In addition to "An Ordinance regulating the Fire Department of the City of Roxbury."

*Be it ordained, &c., as follows :*

SECT. 1. Whenever the Board of Engineers shall decide to report the name of any member of the Fire Department to the Mayor and Aldermen, with the view of procuring the discharge of such member from the Department for neglect of duty or disorderly conduct, said Board of Engineers may forthwith suspend such member from duty until the matter of his discharge shall have been finally acted upon by the Mayor and Aldermen, and if such member be discharged, he shall receive no pay from and after such suspension. *Provided*, that the name of the member shall be reported to the Mayor and Aldermen at or before the second meeting next after the Board of Engineers shall have decided to make such report.

SECT. 2. This Ordinance shall take effect from and after its passage.

[Passed June 14, 1858.]

# City of Roxbury.

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## RULES AND ORDERS

OF THE

## BOARD OF ALDERMEN.

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I. The order of business shall be as follows :

1. The journal of the previous meeting shall be read.
2. Petitions shall next be called for, and be disposed of by reference or otherwise.
3. Such nominations, appointments and elections as may be in order, shall be considered and disposed of.
4. The orders of the day shall be taken up, meaning by the orders of the day, the business remaining unfinished at the previous meeting, and such communications as may have been subsequently sent up from the Common Council.
5. New business may be introduced by any member of the Board.

II. Every Ordinance shall pass through the following stages before it shall be considered as having received the final action of this Board, viz. : first reading, second reading, passage to be enrolled, passage to be ordained ; and every joint resolution shall have two several readings before the question shall be taken on its final passage.

120 *Rules and Orders of the Board of Aldermen.*

III. An Ordinance may be rejected at either stage of its progress, but shall not pass through all its stages in one day.

IV. Standing Committees shall be appointed on the Police of the City, on Licenses, on Bills and Accounts presented for payment, and on Enrolment; each of said Committees to consist of three members.

V. No member shall be interrupted while speaking, but by a call to order, or for the correction of a mistake; nor shall there be any conversation among the members while a paper is being read or a question stated from the Chair.

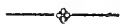
VI. All Committees shall be appointed and announced by the Mayor, except such as the Board of Aldermen shall determine to elect by ballot.

VII. The above rules and orders of business shall be observed in all cases, unless suspended by a vote of two-thirds of the members present for a specific purpose.

# RULES AND ORDERS

## OF THE

# COMMON COUNCIL.



### RIGHTS AND DUTIES OF THE PRESIDENT.

SECT. 1. The President shall take the chair at the hour to which the Council shall have adjourned; shall call the members to order, and, on the appearance of a quorum, shall cause the minutes of the preceding meeting to be read, and proceed to business. In the absence of the President, any member present can call the Council to order, and preside until a President *pro tempore* shall be chosen by ballot. If, upon a ballot for President *pro tempore*, no member shall receive a majority of votes, the Council shall proceed to a second ballot, in which a plurality of votes shall prevail.

SECT. 2. He shall preserve order and decorum; he may speak to points of order in preference to other members; and shall decide all questions of order, subject to an appeal to the Council, on motion of any member regularly seconded.

SECT. 3. He shall declare all votes; but if any member doubt the vote, the President, without further debate upon the question, shall require the members voting in the affirmative and negative, to rise and stand until they are counted, and he shall declare the result; but no decision shall be declared, unless a quorum of the Council shall have voted.

SECT. 4. He shall rise to address the Council, or to put a question, but may read sitting.

SECT. 5. The President may call any member to the chair; provided such substitution shall not continue longer than one evening. When the Council shall determine to go into Committee of the Whole, the President shall appoint the member who shall take the chair. The President may express his opinion on any subject under debate; but in such case he shall leave the chair, and appoint some other member to take it; and he shall not resume the chair while the same question is pending. But the President may state facts, and give his opinion on questions of order, without leaving his place.

SECT. 6. On all questions and motions, the President shall take the sense of the Council by yeas and nays, provided one-third of the members present shall so require.

SECT. 7. In all cases the President may vote.

SECT. 8. He shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature; except that in naming sums and fixing times, the largest sum and longest time shall be put first.

SECT. 9. After a motion is stated by the President, it shall be disposed of by vote of the Council, unless the mover withdraw it before a decision or amendment.

SECT. 10. When a question is under debate, the President shall receive no motion, but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit, to amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they stand arranged.

SECT. 11. He shall consider a motion to adjourn as always first in order; and that motion and the motion to lay on the table, or to take from the table, shall be decided without debate.



SECT. 12. He shall put the previous question in the following form:—“*Shall the main question be now put?*”— and all debate upon the main question shall be suspended until the previous question shall be decided. After the adoption of the previous question, the sense of the Council shall forthwith be taken upon amendments reported by a committee, upon pending amendments, and then upon the main question.

SECT. 13. On the previous question, no member shall speak more than once without leave; and all incidental questions of order, arising after a motion is made for the previous question, shall be decided without debate, except on appeal, and on such appeal, no member shall be allowed to speak more than once without leave of the Council.

SECT. 14. When two or more members happen to rise at once, the President shall name the member who is first to speak.

SECT. 15. All Committees shall be appointed and announced by the President, except such as the Council determine to elect by ballot; and it shall be in order for any member to move that the President be appointed on any Committee.

#### RIGHTS AND DUTIES OF MEMBERS.

SECT. 16. When any member is about to speak in debate, or deliver any matter to the Council, he shall rise in his place, and respectfully address the presiding officer; shall confine himself to the question under debate, and avoid personality. He shall sit down as soon as he has done speaking. No member shall speak out of his place without leave of the President.

SECT. 17. No member, in debate, shall mention another member by his name; but may describe him by the Ward he represents, or such other designation as may be intelligible and respectful.

SECT. 18. No member speaking shall be interrupted by another, but by rising to call to order, or to correct a mis-

take. When a member is called to order, he shall immediately sit down, unless permitted to explain, and the Council, if appealed to, shall decide on the case without debate; and if the decision is against the member, he shall not be permitted to speak, unless by way of excuse for the same, until he has made satisfaction.

SECT. 19. No member shall speak more than twice to the same question, without leave of the Council; nor more than once, if objection be made, until all other members choosing to speak, shall have spoken; and if, on the "previous question," no more than once without leave.

SECT. 20. When a motion is made and seconded it shall be considered by the Council, and not otherwise; and no member shall be permitted to submit a motion in writing, until he has read the same in his place, and it has been seconded.

SECT. 21. Every motion shall be reduced to writing, if the President direct, or any member of the Council request it.

SECT. 22. When a vote has passed, it shall be in order for any member of the *majority*, to move for a reconsideration thereof on the same or succeeding meeting, and if the motion is seconded, it shall be open to debate; but if the motion to reconsider it is not made till the next meeting, the subject shall not be reconsidered, unless a majority of the whole Council shall vote therefor. And no more than *one* motion for the reconsideration of any vote shall be permitted.

SECT. 23. No member shall be permitted to stand up, to the interruption of another, whilst any member is speaking; or to pass unnecessarily between the President and the person speaking.

SECT. 24. Every member who shall be in the Council when a question is put, shall vote, unless for special reasons excused.

SECT. 25. The division of a question may be called for when the sense will admit of it.

SECT. 26. When the reading of a paper is called for and the same is objected to by any member, it shall be determined by a vote of the Council.

SECT. 27. No standing rule or order of the Council shall be suspended, unless three-fourths of the members present shall consent thereto; nor shall any rule or order be repealed or amended, without one day's notice being given of the motion therefor, nor unless a majority of the whole Council shall concur therein.

SECT. 28. Every member shall take notice of the day and hour to which the Council may stand adjourned, and shall give his punctual attendance accordingly.

SECT. 29. No member shall be obliged to be on more than three Standing Committees at the same time, nor to be chairman of more than one.

OF COMMUNICATIONS, COMMITTEES, REPORTS AND RESOLUTIONS.

SECT. 30. All memorials and other papers addressed to the Council, shall be presented by the President, or by a member in his place, who shall explain the subject thereof, and they shall lie on the table, to be taken up in the order in which they are presented, unless the Council shall otherwise direct. And every member presenting a petition, remonstrance, order, resolution, or other paper, shall endorse his name thereon, with a brief statement of the nature and object of the instrument.

SECT. 31. Standing Committees of this Council shall be appointed on the following subjects, viz.: On Election and Returns, and on Enrolled Ordinances and Resolutions, each to consist of three members.

SECT. 32. No Committee shall sit during the sitting of the Council, without special leave.

SECT. 33. The rules of proceedings in Council shall be observed in Committee of the Whole, so far as they may be applicable, excepting the rules limiting the time of

speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

SECT. 34. When Committees of the Council chosen by ballot, or Committees consisting of one member from each Ward, have been appointed or elected, whether joint or otherwise, the first meeting thereof shall be notified by the Clerk, by direction of the President, and they shall organize by the choice of Chairman, and report to the Council; and when Committees, other than those above specified, are nominated by the President, the person first named shall be Chairman, and in case of the absence of the Chairman, the Committee shall have power to appoint a Chairman *pro tem*.

SECT. 35. All messages to the Mayor and Aldermen shall be drawn up by the Clerk and sent by the Messenger.

SECT. 36. All ordinances, resolutions and orders shall have two several readings before they shall be finally passed by this Council; and all ordinances after being so passed, shall be enrolled.

SECT. 37. No ordinance, order or resolution, imposing penalties or authorizing the expenditure of money, except orders for printing, by either branch of the City Council, shall have more than one reading on the same day, if one-third of the members present object.

SECT. 38. The seats of the members of the Council shall be numbered and determined by lot; and no member shall change his seat but by permission of the President.

SECT. 39. All Special Committees, unless otherwise ordered, shall consist of three members. And no report shall be received from any committee, unless agreed to in committee assembled.

SECT. 40. The Clerk shall keep brief minutes of the votes and proceedings of the Council,—entering thereon all accepted orders and resolutions,—shall notice reports, memorials and other papers submitted to the Council, only by their titles, or a brief description of their purport,—

shall notify the chairmen of the various committees on the part of the Council of their election; but all accepted reports from Special Committees of this Board, shall be entered at length in a separate journal, to be kept for that purpose, and provided with an index.

SECT. 41. All salary officers shall be voted for by written ballot.

SECT. 42. It shall be the duty of all Standing Committees of the Council, to keep records of all their doings in books provided for that purpose by the Clerk; and it shall be the duty of the Clerk to attend the meetings of said Committees, and make said records when requested so to do.

SECT. 43. No meeting of any Committee shall be called upon less notice than twenty-four hours.

SECT. 44. In all elections by ballot, on the part of the Council, blank ballots, and all ballots for persons not eligible, shall be reported to the Council, but shall not be counted in making up the returns, except in cases where this Council have only a negative upon nominations made by the Mayor and Aldermen.

SECT. 45. It shall be the duty of every Committee of the Council, to whom any subject may be specially referred, to report thereon within four weeks from the time said subject is referred to them, or ask for further time.

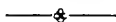
SECT. 46. In any case not provided for by the rules and orders of the City Council, the proceedings shall be conducted according to "Cushing's Manual of Parliamentary Practice."



# JOINT RULES, AND ORDERS

OF THE

## CITY COUNCIL.



SECT. 1. At the commencement of the Municipal Year, the following Joint Standing Committees shall be chosen by ballot, viz.:—

*A Committee on Finance*:—To consist of the Mayor, one Alderman and five members of the Common Council.

*A Committee on Accounts*:—To consist of two Aldermen, and three members of the Common Council.

And the following shall be appointed, viz.:—

*A Committee on Public Property*:—To consist of three members of the Board of Mayor and Aldermen, and five members of the Common Council.

*A Committee on Public Instruction*:—To consist of the Mayor, two Aldermen, and the President and four members of the Common Council.

*A Committee on the Poor and Almshouse*:—To consist of the Mayor, one Alderman, and three members of the Common Council.

*A Committee on Fuel*:—To consist of two members of the Board of Mayor and Aldermen, and three members of the Common Council.

*A Committee on Streets*:—To consist of the Mayor, two Aldermen, and five members of the Common Council.

*A Committee on the Fire Department*:—To consist of three members of the Board of Mayor and Aldermen, and five members of the Common Council.

*A Committee on Burial Grounds* :— To consist of the Mayor, two Aldermen, and five members of the Common Council.

*A Committee on Lamps* :— To consist of two members of the Board of Mayor and Aldermen, and three members of the Common Council.

*A Committee on Printing* :— To consist of two members of the Board of Mayor and Aldermen, and three members of the Common Council.

On all Joint Committees wherein it is provided that the Mayor shall be a member, in case of the non-election, decease, inability or absence of that officer, the Chairman of the Board of Aldermen shall act *ex officio*. And the members of the Board of Aldermen and of the Common Council, who shall constitute the Joint Standing Committees, shall be chosen or appointed by their respective Boards.

The member of the Board of Aldermen first named in every Joint Committee, of which the Mayor is not a member, shall be its Chairman: and in case of his resignation or inability, the member of the same Board next in order; and after him the member of the Common Council first in order, shall call meetings of the Committee and act as Chairman.

The Mayor shall be *ex officio* Chairman of any Joint Special Committee of which he is a member. And whenever the Chairman of any such Committee shall have omitted to call a meeting of its members for the space of one week from the time any subject has been referred to it, either two of the members of every such Joint Committee shall have power to call meetings thereof.

SECT. 2. In all cases of disagreement between the two Boards, when either Board shall request a conference and appoint a Committee for that purpose, the other Board shall also appoint a Committee to confer, which Committee shall forthwith meet, provided both branches are then in session; otherwise, as soon as convenient, and state to



each other, either verbally or in writing, as either shall choose, the reasons of the respective Boards for and against the amendment, confer freely thereon, and report to their respective branches.

SECT. 3. When either Board shall not concur in any ordinance or other paper sent from the other Board, the Board so non-concurring, shall give notice thereof to the other branch by written message.

SECT. 4. All by-laws passed by the City Council, shall be termed ORDINANCES; and the enacting style shall be,—  
“*Be it ordained by the City Council of the City of Roxbury.*”

SECT. 5. In all votes, when either or both branches of the City Council express any thing by way of command, the form of expression shall be “ORDERED;” and when either or both branches express *opinions, principles, facts, or purposes*, the form shall be, “RESOLVED.”

SECT. 6. No Committee shall act by separate consultation, and no report shall be received unless agreed to in Committee actually assembled.

SECT. 7. No Chairman of any Committee shall audit or approve any bill or account against the City, for any supplies or services which shall not have been ordered or authorized by the Committee.

SECT. 8. No Committee shall enter into any contract with, or purchase, or authorize the purchase of any article of any of its members.

SECT. 9. The reports of all Committees, agreed to by a majority of the members, shall be made to the Board in which the business referred originated. And all Committees may report by ordinance, resolve or otherwise.

SECT. 10. All reports and other papers submitted to the City Council, shall be written in a fair hand, and no report of any kind shall be endorsed on the memorials or other papers referred to the Committees of either branch; and the Clerks shall make copies of any papers to be re-

## 132 *Joint Rules and Orders of the City Council.*

ported by Committees at the request of the respective Chairman thereof.

SECT. 11. Each Board shall transmit to the other, all papers on which any Ordinance or Joint Resolutions shall be printed; and all papers on their passage between the two Boards may be under the signatures of the respective clerks, except Ordinances and Joint Resolutions in their last stage, which shall be signed by the presiding officers.

SECT. 12. The titles of all Ordinances and Joint Resolutions shall be prefixed upon their introduction.

SECT. 13. Every Ordinance shall have as many readings in each Board as the rules of each Board require, after which the question shall be on passing the same to be enrolled; and when the same shall have passed to be enrolled, it shall be sent to the other Board for concurrence; and when such Ordinance shall have so passed to be enrolled in each Board, the same shall be enrolled by the Clerk of the Common Council, and examined by a Committee of that Board; and on being found by said Committee to be truly and correctly enrolled, the same shall be reported to the Council, when the question shall be on passing the same to be ordained; and when said Ordinance shall have so passed to be ordained, it shall be signed by the President of the Common Council, and sent to the other Board, when a like examination shall be made by a Committee of that Board, and if found correctly enrolled, the same shall be reported to the Board, and the question shall be on passing the same to be ordained; and when the same shall have passed to be ordained, it shall be signed by the Mayor.

SECT. 14. Every Order and Joint Resolution shall have as many readings in each Board as the rules of such Board require, after which the question shall be on passing the same; and when the same shall have passed, except orders for printing, for the use of either branch of the City Council, it shall be sent to the other Board for concurrence.

SECT. 15. No enrolled Ordinance shall be amended.

SECT. 16. All messages between the two Boards shall be reduced to writing by the respective clerks, and may be transmitted by the Clerk or the Messenger.

SECT. 17. It shall be the duty of every Joint Committee, (the Committee on Streets excepted,) to whom any subject may be specially referred, to report thereon within four weeks, or ask for further time.

SECT. 18. Either Board may propose to the other, for its concurrence, a time to which both Boards will adjourn.

SECT. 19. No business shall be transacted by the City Council in convention, except such as shall have been previously agreed upon.

SECT. 20. After the annual appropriations shall have been passed, no subsequent expenditure shall be authorized for any object, unless provision for the same shall be made by a specific transfer from some of the appropriations contained in the annual resolution, or by expressly creating therefor a City debt; but no such debt shall be created, unless the resolution, authorizing the same, pass by the affirmative votes of two-thirds of the whole number of each branch of the City Council, voting by yea and nay.

SECT. 21. No vote, by which an order, resolve or ordinance has been passed in its final stage, shall be reconsidered in either Board after the same has been finally acted upon in the other Board, unless the motion for reconsideration be made, or notice given at the same meeting at which the vote to be reconsidered passed.



GOVERNMENT  
OF THE  
CITY OF ROXBURY,  
1858.

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MAYOR.

JOHN S. SLEEPER, Eustis Street.

[Salary, \$1000. Charter, Sect. 7.]

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ALDERMEN.

WILLIAM S. LELAND,	Walnut Street,	AT LARGE.
JOHN C. CLAPP,	Oakland Place,	"
GEORGE LEWIS,	Highland Street,	"
SAMUEL PEARSON,	Eustis Street,	WARD 1.
BENJAMIN S. NOYES,	Belmont Street,	" 2.
URIAH T. BROWNELL,	Perkins Place,	" 3.
SAMUEL A. SHURTLEFF,	Linwood Place,	" 4.
IVORY HARMON,	Greenville Street,	" 5.

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COMMON COUNCIL.

HENRY P. SHED, *President*, Mount Vernon Place.

Ward 1.

Ebenezer Ryerson,	.	.	Eustis Street.
Albert Brewer,	.	.	Zeigler Street.
Chester M. Gay,	.	.	Davis Place.
William Morse,	.	.	Yeoman Street.

*Ward 2.*

William P. Fowle,	.	.	Auburn Street.
Gideon B. Richmond,	.	.	Franklin Place.
Thacher F. Sweat,	.	.	Ruggles Street.
Albert Batchelder,	.	.	Vernon Street.

*Ward 3.*

Alfred G. Hall,	.	.	Phillips Street.
Patrick H. Rogers,	.	.	Smith Street.
Thomas J. Mayall,	.	.	Pierpont Street.
John M. Way,	.	.	Washington Street.

*Ward 4.*

John R. Hall,	.	.	Centre Street.
James A. Tower,	.	.	Dudley Street.
William Graham,	.	.	Norfolk Street.
Hartley E. Woodbridge,	.	.	Oak Street.

*Ward 5.*

Ebenezer W. Bumstead,	.	.	Warren, cor. Regent St.
Robert C. Nichols,	.	.	Cottage Street.
William Barton,	.	.	Warren Place.
Henry P. Shed,	.	.	Mount Vernon Place.

## CITY CLERK AND CLERK OF BOARD OF ALDERMEN.

JOSEPH W. TUCKER, Lambert Street.

Salary \$1000 ; Fees payable into the City Treasury.  
 [Chosen by City Council in Convention, in January.  
 Office, City Hall. Charter, Sect. 8.]

## CLERK OF COMMON COUNCIL.

FRANKLIN WILLIAMS, Zeigler Street.

Salary \$200. [Chosen by Common Council. Charter,  
 Sect. 6.]

## CITY MESSENGER.

WILLIAM N. FELTON, Zeigler Street.

Salary \$550. [Chosen by concurrent vote in April.  
 Ordinance No. 5.]

## JOINT STANDING COMMITTEES.

## ON FINANCE.

The Mayor.	<i>Common Council.</i>
<i>Alderman</i>	Messrs. Tower,
Shurtleff.	Barton,
	Brewer,
	Mayall,
	Sweat.

## ON ACCOUNTS.

<i>Aldermen</i>	<i>Common Council.</i>
Lewis,	Messrs. Bumstead,
Clapp.	Fowle,
	J. R. Hall.

## ON PUBLIC PROPERTY.

<i>Aldermen</i>	<i>Common Council.</i>
Lewis,	Messrs. Barton,
Harmon,	Tower,
Shurtleff,	Morse,
	Batchelder,
	A. G. Hall.

## ON PUBLIC INSTRUCTION.

The Mayor.	<i>Common Council.</i>
<i>Aldermen</i>	Messrs. Shed, <i>ex officio</i> ,
Leland,	Tower,
Pearson.	Fowle,
	Ryerson,
	Mayall.

## ON STREETS.

The Mayor,	<i>Common Council.</i>
<i>Aldermen</i>	Messrs. Nichols,
Brownell,	Brewer,
Harmon.	Richmond,
	A. G. Hall,
	Rogers.

## ON LAMPS.

<i>Aldermen</i>	<i>Common Council.</i>
Pearson,	Messrs. Bumstead,
Brownell,	Woodbridge,
	Brewer.

## ON THE FIRE DEPARTMENT.

<i>Aldermen</i>	<i>Common Council.</i>
Leland,	Messrs. Graham,
Brownell,	Nichols,
Pearson.	Gay,
	Sweat,
	Mayall.

## ON BURIAL GROUNDS.

The Mayor.	<i>Common Council.</i>
<i>Aldermen</i>	Messrs. J. R. Hall,
Noyes,	Barton,
Leland.	Ryerson,
	Way,
	Sweat.

## ON FUEL.

<i>Aldermen</i>	<i>Common Council.</i>
Clapp,	Messrs. Brewer,
Harmon.	Graham,
	Richmond.

## ON POOR AND ALMSHOUSE.

The Mayor.	<i>Common Council.</i>
<i>Alderman</i>	Messrs. Batchelder,
Brownell.	Rogers,
	Morse.

## ON PRINTING.

<i>Aldermen</i>	<i>Common Council.</i>
Noyes,	Messrs. Gay,
Clapp.	Woodbridge,
	Fowle.



STANDING COMMITTEES OF THE BOARD OF  
ALDERMEN.

## ON POLICE.

The Mayor, *Aldermen* Leland and Shurtleff.

## ON LICENSES.

The Mayor, *Aldermen* Noyes and Clapp.

## ON ENROLMENT.

*Aldermen* Noyes, Pearson and Lewis.

## ON BILLS OR ACCOUNTS PRESENTED FOR ALLOWANCE OR PAYMENT.

*Aldermen* Shurtleff, Noyes and Harmon.

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STANDING COMMITTEES OF THE COMMON  
COUNCIL.

## ON ELECTIONS.

Messrs. Bumstead, Richmond and Brewer.

## ON ENROLLED ORDINANCES.

Messrs. Batchelder, J. R. Hall and Way.

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## TREASURY DEPARTMENT.

## TREASURER AND COLLECTOR.

JOSEPH W. DUDLEY, Blanchard Place.

Salary \$1400. [Chosen by City Council, in Convention, in January. Office, City Hall. Charter, Sect. 8. See Ordinance No. 8.]

## ASSESSORS.

Joseph N. Brewer, Joshua Seaver, Benjamin Meriam.

Receive \$250 each, and \$100 for Clerk hire. [Chosen by City Council, in Convention, in April. Charter, Sections 8 and 11.]

## ASSISTANT ASSESSORS.

Ward 1. William Dove,		Ward 4. Benjamin Perkins,
2. Gera Farnum,		5. John T. Ellis.
3. Uriah T. Brownell,		

Receive \$20 each. [Chosen in each Ward where they reside. Charter, Sect. 11.]

## OVERSEERS OF THE POOR.

The MAYOR, *ex officio*, Chairman.

Ward 1. Warren Marsh,		Ward 4. George Curtis,
2. Ira Allen,		5. George Gregerson.
3. John McElroy,		

[Chosen in each Ward where they reside. Charter, Sect. 11.]

## THE ALMSHOUSE.

Ezra Young, *Superintendent*. Salary \$500. [Appointed by the Overseers of the Poor.]

Joseph H. Streeter, M. D., *Physician*. Salary \$100. [Appointed by the Overseers of the Poor.]

## SURVEYORS OF HIGHWAYS.

[Ordinance No. 3, Sect. 1.]

John S. Sleeper,		Benjamin S. Noyes,
William S. Leland,		Uriah T. Brownell,
John C. Clapp,		Samuel A. Shurtleff,
George Lewis,		Ivory Harmon.
Samuel Pearson,		

## COMMISSIONER OF STREETS.

MOSES H. LIBBY, Orange Place.

Salary \$—. [Chosen by the Mayor and Aldermen, in January. Ordinance No. 40.]

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## FIRE DEPARTMENT.

[Ordinance No. 34.]

## CHIEF ENGINEER.

SAMUEL F. TRAIN. Salary \$225.

## ASSISTANT ENGINEERS.

- |                    |  |                      |
|--------------------|--|----------------------|
| 1. Gilbert S. May, |  | 3. Jonas Fillebrown, |
| 2. John Withers,   |  | 4. Reuben Weeks.     |

[The Chief and Assistant Engineers are chosen by the City Council, in Convention, in April. The rank of the Assistant Engineers is determined by the Mayor and Aldermen. They receive \$80 each; the Secretary an additional sum of \$15.]

## FOREMEN OF ENGINES.

*Warren Co. No. 1.* Dudley, corner Warren Street.

Dearborn S. Blake.

*America Co. No. 2.* Centre Street.

George White.

*Torrent Co. No. 6.* Eustis Street.

Phincas D. Allen.

*Tremont Co. No. 7.* Ruggles Street.

John Brooks.

*Washington Hook and Ladder Co.* Dudley, c. Warren St.

Zibeon C. Field.

*Cochituate Hose Co.* Washington St., near Railr'd Cross'g.

Thomas A. Scott.

THE FOLLOWING TABLE EXHIBITS THE PAY OF THE OFFICERS AND MEMBERS OF THE SEVERAL ENGINE COMPANIES.

Name of Engine.	Foreman.	Clerk.	Steward.	No. of Men exclusive of Officers.	Pay of Members.
Warren, No. 1, . . . . .	\$80	\$70	\$100	38	\$36
America, No. 2, . . . . .	80	70	100	38	36
Torrent, No. 6, . . . . .	80	70	100	38	36
Tremont, No. 7, . . . . .	80	70	100	38	36
Hook and Ladder Company, . .	70	60	80	18	36
Cochituate Hose Company, . .	65	55	65	10	36

The Members of the Engine Companies are appointed by the Mayor and Aldermen. Their compensation is determined by the City Council.

## POLICE DEPARTMENT.

### POLICE COURT.

[Act, p. 45.]

#### STANDING JUSTICE.

PETER S. WHEELOCK, Bower Street.

Salary \$1000. [Fees payable into City Treasury.]

#### SPECIAL JUSTICES.

Joshua Seaver,                      Eben Jones.

#### CITY MARSHAL.

ABRAHAM S. PARKER, Tremont Street.

Salary \$2.25 per diem. [Ordinance No. 45. Appointed by the Mayor and Aldermen.]

## ASSISTANT MARSHALS.

William D. Cook,	Samuel McIntosh,
Joseph Hubbard,	Matthew Clark,
Hiram A. Campbell,	Jeremiah M. Swett,
Hawley Folsom,	Zebedee C. Perry.

Salary \$2 per diem ; fixed by the City Council. All fees paid into the City Treasury. [Appointed by the Mayor and Aldermen.]

## NIGHT WATCHMEN AND POLICE OFFICERS.

Henry L. Ford,	Elbridge G. Cobb,
Joseph Parker,	William E. Hicks,
Francis D. Brown,	Joseph Hastings,
Edward F. Mecuen,	Thomas Culligin.

Pay \$1.62½. [Appointed by the Mayor and Aldermen.]

## CONSTABLES.

Abraham S. Parker,	Matthew Clark,
William D. Cook,	Joseph Parker,
Joseph Hubbard,	Francis D. Brown,
Hawley Folsom,	Edward F. Mecuen,
Hiram A. Campbell,	Elbridge G. Cobb,
Luke Jewett,	William E. Hicks,
Morrill P. Berry,	Zebedee C. Perry,
Samuel McIntosh,	Sylvester E. Partridge,
Bartlett W. Dexter,	John J. Hastings,
Henry L. Ford,	Joseph Hastings,
Ezra Young,	Thomas Culligin.
Jeremiah M. Swett,	

[Appointed by the Mayor and Aldermen.]

## CORONERS.

Thomas Adams,	.	.	Vernon Street.
Morrill P. Berry,	.	.	Vernon Street.
Ira Allen,	.	.	Cabot Street.

## TRUANT OFFICERS.

William D. Cook,	Hiram A. Campbell,
Joseph Hubbard,	Samuel McIntosh,
Hawley Folsom,	Matthew Clark.

[Ordinance No. 38. Appointed by the Mayor and Aldermen.]

## CITY SOLICITOR.

WILLIAM GASTON, Linden Park.

Salary \$800. [Chosen by concurrent vote, in February.  
Ordinance No. 43.]

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## HEALTH DEPARTMENT.

## BOARD OF HEALTH.

[Charter, Sect. 13. Ord. No. 36.]

The Mayor and Aldermen.

## CONSULTING PHYSICIANS.

Charles M. Windship, M. D.

John S. Flint, M. D.

Timothy R. Nute, M. D.

[Appointed by the Mayor and Aldermen, in May or June. Ordinance No. 14.]

## CITY PHYSICIAN.

ARIAL I. CUMMINGS, M. D., Dudley Street.

Salary \$200. [Chosen by concurrent vote in May. Ordinance No. 48. Office, rear of City Hall.]

## SUPERINTENDENT OF BURIAL GROUNDS.

The Undertaker.

## UNDERTAKER.

JOHN C. SEAVER, Zeigler Street.

[Ordinance No. 12.]

## CEMETERY AT FOREST HILLS.

## BOARD OF COMMISSIONERS.

[Elected by the City Council. See Act, p. 28.]

	Term Expires.
Linus B. Comins, . . . .	1859
Jonathan French, . . . .	1860
Francis C. Head, . . . .	1861
Alvah Kittredge, . . . .	1862
William J. Reynolds, . . . .	1863

Alvah Kittredge, *Chairman*.Francis C. Head, *Secretary*.Joseph W. Dudley, City Treas., *Treasurer*.Joseph W. Tucker, *Register*.Oliver Moulton, *Superintendent*.

The following Officers are first elected by the Mayor and Aldermen, and then sent to the Common Council for their concurrence. They are all paid by fees. [Ordinance No. 3.]

*Field Drivers and Hoggreeves* — Bradbury Pevcar, William Lingham, William D. Cook, Hiram A. Campbell, Henry L. Ford, Jeremiah M. Swett, Elbridge Cobb, Edward F. Meeuen, Matthew Clark.

*Fence Viewers* — John Dove, William Seaver, David Simpson.

*Pound Keeper* — Ezra Young.

*Tythingmen* — Elbridge A. Hovey, Phineas B. Smith, Nathaniel Adams.

*Sealers of Leather* — Reuben M. Stackpole, Joseph W. Winslow.

*Surveyors of Lumber* — Gera Farnum, Tillson Williams, George Curtis.

*Measurers of Wood and Bark* — Joseph Bugbee, Elbridge A. Hovey, Stephen Faunce, William Seaver, Henry Basford, George B. Faunce, Stephen Hammond.

*Wigher of Hay* — Andrew W. Newman.

*Sealer of Weights and Measures* — Melzar Waterman.

## PUBLIC SCHOOLS.

## SCHOOL COMMITTEE.

[Charter, Sect. 11. Ordinance No. 22.]

WILLIAM H. RYDER,\* *Chairman*.JOSHUA SEAVER, *Secretary*.*Elected at Large.*

GEORGE PUTNAM, WILLIAM H. RYDER, JULIUS S. SHAILER.

*Elected by Wards.**Ward* 1. — Horatio G. Morse, Franklin Williams.

" 2. — Joshua Seaver, Ira Allen.

" 3. — A. I. Cummings, T. R. Nute.

" 4. — Joseph N. Brewer, John W. Olmstead.

" 5. — Robert P. Anderson, Edwin Ray.

## SUB-COMMITTEES.

*Books.* — Messrs. Ryder, Shailer, Morse, Nute, Brewer.*Finance.* — Messrs. Seaver, Putnam, Olmstead.*Regulations.* — Messrs. Brewer, Olmstead, Williams.*Filling Vacancies in Primary and Intermediate Schools.*

— Messrs. Ryder, Morse, Shailer, Cummings, Ray.

## OF DIFFERENT SCHOOLS.

Schools.	Location.	Local Committee.
English High, for Boys	Mt. Vernon Place, . .	
Latin, . . . . .	Mt. Vernon Place, . .	Under charge of Trustees.
High School for Girls	Kenilworth Street, . .	Shailer, Olmstead, Brewer.
Dudley, . . . . .	Kenilworth & Bartlett Sts	Brewer, Cummings, Seaver.
Washington, . . .	Washington Street, . .	Ray, Seaver, Allen.
Dearborn, . . . .	Abney Place, . . . .	Morse, Williams, Anderson.
Eliot, . . . . .	Gore Avenue, . . . .	Nute, Olmstead, Putnam.
Francis Street, . .	Francis Street, . . .	Allen, Cummings, Anderson
Intermediate, . .	Vernon Street, . . .	Seaver.

\* Resigned on account of absence. Horatio G. Morse chosen Chairman *ad interim*.



LATIN SCHOOL. — *Boys.*

Augustus H. Buck, *Principal.*  
William C. Collar, *Assistant.*

ENGLISH HIGH SCHOOL. — *Boys.*

S. M. Weston, *Principal.*  
George H. Gorely, *Assistant.*

These Schools are under the direction of a Board of Trustees, consisting of the following gentlemen :

George Putnam, <i>President.</i>	Benjamin Kent,
James Guild, <i>Treasurer.</i>	B. E. Cotting,
Charles K. Dillaway, <i>Secretary.</i>	A. C. Thompson,
Enoch Bartlett,	Theodore Otis,
Thomas D. Anderson,	S. P. Blake,
D. A. Simmons,	John S. Sleeper.
Samuel H. Walley,	

[The City pays an annual sum towards the support of these Schools, and by a mutual arrangement the School Committee have a joint jurisdiction over the English High School.]

HIGH SCHOOL. — *Girls.*

Robert Bickford, *Principal.*  
Martha S. Price, *Assistant.*

DUDLEY SCHOOL. — *Girls.*

Adeline Seaver, *Principal.*  
Ellen M. Haskell, *Assistant.*

2d Division, Sarah J. Leavitt; 3d, Ellen A. Marean; 4th, Clara B. Tucker; 5th, Caroline J. Nash; 6th, Clementina B. Thompson; 7th, Helen J. Otis.

WASHINGTON SCHOOL. — *Boys.*

John Kneeland, *Principal.*  
Harriet E. Burrell, *Assistant.*  
John F. Patten, *Sub-Master.*

3d Division, Anna M. Williams; 4th, Alice C. Pierce; 5th, Sarah M. Vose; 6th, Caroline C. Drown; 7th, Rebecca A. Jordan; 8th, Esther M. Nickerson.

DEARBORN SCHOOL. — *Boys.*William H. Long, *Principal.*Ruth P. Stockbridge, *Assistant.*

2d Division, Louisa E. Harris; 3d, Plooma A. Savage;  
4th, Louisa J. Fisher; 5th, J. Ellen Horton; 6th, Henrietta  
M. Young.

ELIOT SCHOOL. — *Girls.*Sarah A. M. Cushing, *Principal.*

Mary C. Eaton, Elizabeth W. Young, Almira W. Cham-  
berline, Elizabeth A. Morse, *Assistants.*

FRANCIS STREET SCHOOL. — *Both Sexes.*Sophronia F. Wright, *Principal.*INTERMEDIATE SCHOOL. — *Boys.*Delia Mansfield, *Principal.*Nancy L. Tucker, *Assistant.*

## CURATOR OF SCHOOL BUILDINGS.

JONAS PIERCE, JR., Bartlett Street.

## PRIMARY SCHOOLS — 1858.

TEACHERS.	LOCATION.	COMMITTEE.
1. Sarah T. Jennison . . . . .	Yeoman Street. . . . .	Morse.
2. Eliza Brown. . . . .	Yeoman Street. . . . .	Morse.
3. Sarah O. Babcock. . . . .	Yeoman Street. . . . .	Morse.
4. Sarah H. Hosmer. . . . .	Yeoman Street. . . . .	Morse.
5. Emma C. Wales. . . . .	Eustis Street. . . . .	Williams.
6. Margaret E. Davis . . . . .	Eustis Street. . . . .	Williams.
7. Maria L. Young. . . . .	Sumner Street. . . . .	Williams.
8. Mary F. Neal. . . . .	Sumner Street. . . . .	Williams.
9. Harriet H. Fay. . . . .	Vernon Street. . . . .	Shailer.
10. Susannah L. Durant. . . . .	Vernon Street. . . . .	Shailer.
11. Juliette M. Dickerman. . . . .	Sudbury Street. . . . .	Allen.
12. Sophia L. Stone. . . . .	Sudbury Street. . . . .	Allen.
13. Cornelia J. Bills. . . . .	Sudbury Street. . . . .	Allen.
14. Charlotte Williams. . . . .	Sudbury Street. . . . .	Allen.
15. Ann M. Backup. . . . .	Avon Place. . . . .	Cummings.
16. Clara M. Adams. . . . .	Avon Place. . . . .	Cummings.
17. Sarah W. Holbrook . . . . .	Mill Dam. . . . .	Allen.
18. Almira B. Russell. . . . .	Orange Street. . . . .	Seaver.
19. Caroline Y. Rice. . . . .	Orange Street. . . . .	Seaver.
20. Mary A. Waldock. . . . .	Smith Street. . . . .	Nute.
21. Anna M. Eaton. . . . .	Smith Street. . . . .	Nute.
22. Elizabeth Waldock. . . . .	Francis Street. . . . .	Anderson.
23. Henrietta M. Wood. . . . .	Centre Street. . . . .	Brewer.
24. Mary A. Morse. . . . .	Centre Street. . . . .	Brewer.
25. Caroline N. Heath. . . . .	Near Jamaica Plain. . . . .	Putnam.
26. Mary G. Hewes. . . . .	Edinboro' Street. . . . .	Olmstead.
27. Maria L. J. Perry. . . . .	Edinboro' Street. . . . .	Olmstead.
28. Margaret G. Chenery. . . . .	Munroe Street. . . . .	Ray.
29. Sarah A. Dudley. . . . .	Elm Street. . . . .	Anderson.
30. H. B. Scammell . . . . .	Elm Street. . . . .	Anderson.
31. Sarah C. Duncklee. . . . .	Washington Street. . . . .	Cummings.
32. Frances N. Brooks. . . . .	Winthrop Street. . . . .	Anderson.

Teachers are elected, except those in the High School, and their salary fixed by the School Committee.

## WARD OFFICERS.

## WARD 1.

*Warden,*  
Joseph Hastings.

*Clerk,*  
N. A. Culbertson.

*Inspectors,*  
Charles Erskine,  
George H. Miller,  
M. G. Field.

## WARD 2.

*Warden,*  
Joshua Seaver,

*Clerk,*  
Anthony B. Shaw.

*Inspectors,*  
Squire G. Brooks,  
Henry Basford,  
Henry B. Phelps.

## WARD 3.

*Warden,*  
Alpheus Trowbridge.

*Clerk,*  
Michael J. Killian.

*Inspectors,*  
Thomas J. Mayall.  
(2 vacancies.)

## WARD 4.

*Warden,*  
Alden Graham.

*Clerk,*  
Edward B. Reynolds.

*Inspectors,*  
C. F. Harrington,  
Albert Childs,  
G. A. Kittredge.

## WARD 5.

*Warden,*  
Theodore H. Bell.

*Clerk,*  
Francis Colburn.

*Inspectors,*  
Henry Parkhurst,  
William H. McIntosh,  
Francis L. Macomber.

## INSTRUCTIONS FOR WARD OFFICERS.

(From the Cambridge Municipal Register.)

### OF COUNTING VOTES.

1. Results of elections, how determined.
2. Same subject.
3. Effect of Plurality Law. To determine whole number of ballots.
4. When an office is to be filled by but one person, &c.
5. When an office is to be filled by more than one person, &c.

6. Whole number of ballots.
7. Same subject.

### OF KEEPING WARD RECORDS.

1. Clerk to keep the records.
2. Warrant and return to be copied and certified. Record of meeting. Polls opened. Polls closed. Election in all the Wards. Election in single Ward. Vote declared. Meeting dissolved. Clerk's attestation.

### OF COUNTING VOTES.

1. In order to determine the result of any election of any civil officer or officers in this Commonwealth, the whole number of persons who voted at such election shall first be ascertained, by counting the whole number of separate ballots given in, and the person or persons who shall receive the highest number of votes shall be deemed and declared to be elected; and in all returns of elections, the whole number of ballots given shall be distinctly stated, but blank pieces of paper shall not be counted as ballots.

Results of elections, how determined. Stat. 1856, ch. 157, § 1.

2. If at any election where more than one civil officer is to be elected to the same office, any two or more candidates shall receive an equal number of votes, being a plurality, by reason whereof the whole number to be elected cannot be completed,

Same subject. Ibid. § 2.

the candidates having such equal number of votes shall be deemed not to be elected.

Effect of  
Plurality  
Law.

To deter-  
mine whole  
number of  
ballots.

3. By the establishing of the plurality law, in all cases, in this Commonwealth, the difficulties which formerly existed in determining the result of an election have been almost entirely removed. Errors in regard to the whole number of ballots may, however, be made by Ward Officers, and they should be particularly careful in ascertaining it exactly, and recording it correctly, since otherwise the whole number of ballots as returned by them will not agree with the sum of the ballots given for each candidate. They should bear in mind that, although several ballots for different officers may be enclosed in one envelope, or printed upon one ticket, the ballots for each office should be counted separately, as much so as if they were enclosed in separate envelopes, or printed on separate tickets, and deposited in separate boxes.

When an  
office is to  
be filled by  
but one  
person, &c.

4. When an office is to be filled by but one person, as Governor, Lieutenant Governor, Register of Deeds, County Treasurer, Mayor, Warden, Ward Clerk, &c., the whole number of ballots may be ascertained correctly, after counting the votes for each candidate, *by adding together all the votes cast for each candidate for the same office.*

When an  
office is to  
be filled by  
more than  
one person,  
&c.

5. When an office is to be filled by more than one person, as Senators, Representatives, County Commissioners, and Special Commissioners, Aldermen, Common Councilmen, School Committee, and Ward Inspectors, the whole number of ballots for each of those officers should be counted separately, as soon as the box is turned, and before the votes become mixed. Every ballot having upon it one name or more for Senators should be counted as *one ballot for Senators*, and every ballot having upon it one name or more for Aldermen should be counted as *one ballot for Aldermen*, and so on, through the whole list of offices to be filled.

Whole num-  
ber of bal-  
lots.

6. The object of the law in ascertaining the whole number of ballots is to ascertain the whole

number of voters who vote for a candidate or candidates for each office, and therefore, if a person votes for only one Representative when he might vote for five on the same ballot, his vote is to be counted as a ballot in making up the whole number cast for that office. It represents a voter, and is a ballot.

7. But if a person votes for *Representatives only*, that vote should not be counted in making up the whole number for *Senators*, or if a person votes for Mayor and Aldermen, that vote, which is composed of two ballots, should be counted as *one ballot for Mayor, and one ballot for Aldermen*, but not as a ballot for Common Councilmen, nor Inspectors of Elections, &c., as frequently happens where the *tickets* are taken as the ballots.

Same subject.

#### OF KEEPING WARD RECORDS.

1. It is the Clerk's duty to keep the records, and they should be signed by him alone, and not by the Warden and Inspectors.

Clerk to keep the records.

2. The warrant calling the meeting, and the officer's return thereon, should be first copied on the book, and certified as true copies. The record should then proceed in this form, varied to meet the circumstances of the case:—

Warrant and return to be copied and certified.

“Pursuant to the foregoing warrant, the inhabitants of Ward No. —, qualified to vote as the law directs, assembled at the time and place and for the purposes therein expressed.

Record of meeting.

“At — o'clock, A. M., the warrant calling the meeting was read by the Warden, who then called upon the inhabitants of said Ward, qualified by law to vote, to give in their ballots for the purposes expressed in said warrant.

Polls opened.

“At — o'clock, P. M., the polls were closed, and the whole number of ballots given in having been sorted and counted by the Warden and Inspectors of Elections in the manner provided by law, the result was as follows:—

Polls closed.

“The whole number of ballots for Governor was —;

Election in all the Wards.

A. B. had —;

C. D. had —.

“The whole number of ballots for Senators was —;

E. F. had —;

G. H. had —.”

*(And so on through the whole list. When the election is determined by each Ward alone, as Common Councilmen, Warden, Inspectors, and Ward Clerk, the record should be made up thus:—)*

Election in  
single Ward.

“The whole number of ballots for Common Councilmen was —;

A. B. had —,

C. D. had —,

E. F. had —,

G. H. had —,

And they are elected.

M. N. had —,

O. P. had —.”

*(And so on through the list.)*

Vote  
declared.

“The state of the ballots, as sorted, counted and recorded as above in open Ward meeting, was declared to the meeting by the Warden.

Meeting  
dissolved.

“The meeting then dissolved.

Clerk's  
attestation.

“A true record.

X. Y. Z., *Ward Clerk.*”



## W A R D S .

As divided and established by the Board of Selectmen of the Town of Roxbury, March 26, 1846, [See City Charter, Sect. 3,] and revised by the City Council in 1851.

WARD 1. Beginning on Washington Street, at the division line between Boston and Roxbury; thence on the easterly side of Washington Street to the Norfolk and Bristol Turnpike; thence on the easterly side of said turnpike to Dudley Street; thence on the northerly side of said street to Eustis Street; thence on the easterly side of Eustis Street to the Division line between Roxbury and Dorchester.

WARD 2. Beginning at the Boston and Roxbury line; thence on the westerly side of Washington to Vernon Street; thence on the northerly side of Vernon to Ruggles Street; thence on the easterly and northerly side of Ruggles to Parker Street; thence crossing Parker Street over the marshes on the northerly side of said street to the creek, which is the dividing line between Brookline and Roxbury.

WARD 3. Beginning at the division line between Roxbury and Brookline on Washington Street; thence on the northerly side of Washington Street to the junction of Centre and Washington Streets; thence crossing Washington to Dudley Street; thence on the northerly side of Dudley Street to the Norfolk and Bristol Turnpike; thence on the westerly side of said turnpike to Washington Street; thence on the westerly side of said street to Vernon Street; thence on the southerly side of Vernon Street to Ruggles Street; thence crossing Ruggles Street on the westerly and southerly side of said street to Parker Street; thence crossing Parker Street over the marshes on the southerly side to the creek which divides Roxbury from Brookline, the point where the Second Ward terminates.

WARD 4. Beginning at the division line between Roxbury and Brookline on Washington Street ; thence on the southerly side of Washington to the junction of Centre and Washington Streets ; thence crossing to Dudley Street on the southerly side of Dudley Street to the Norfolk and Bristol Turnpike ; thence on the westerly side of said turnpike to a stone monument ; thence in a straight line to a stone monument near Leonard Hyde's on Centre Street, being the division line between West Roxbury and Roxbury ; thence in a direct line to the division line between Brookline, Roxbury and West Roxbury.

WARD 5. Beginning at the Roxbury and Dorchester line on Eustis Street ; thence on the westerly side of said street to Dudley Street ; thence on the southerly side of said street to Norfolk and Bristol Turnpike ; thence on the easterly side of said turnpike to Seaver Street ; thence on the northerly side of Seaver Street to Brush Hill Turnpike ; thence in a direct line to Dorchester line.

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#### W A R D R O O M S .

- Ward 1. Primary School House, Eustis Street.  
“ 2. Vestry Tremont Baptist Church, Ruggles Street.  
“ 3. Gun-House, Putnam Street.  
“ 4. Octagon Hall, Dudley Street.  
“ 5. School House, Winthrop Street.

# MODES AND TIMES OF APPOINTMENT OF THE VARIOUS CITY OFFICERS.

City Clerk—in Convention, . . . .	January.
Undertaker—Mayor and Aldermen.	
Chief and Assistant Engineers—in Con- vention, . . . . .	April.
Commissioner of Streets—Mayor and Aldermen, . . . . .	January.
Field Drivers and Hogreeves, Fence Viewers, Pound Keeper, Tythingmen, Sealers of Leather, Surveyors of Lum- ber, Measurers of Wood and Bark, Weigher of Hay, Sealer of Weights and Measures, Weighers of Coal— Concurrent vote, first acted upon by the Mayor and Aldermen, . . . .	April.
Officer to complain of Truants—Mayor and Aldermen, . . . . .	January.
Assessors—in Convention, . . . . .	April.
City Marshal and Assistants, Police and Watchmen—Mayor and Aldermen,	April.
Constables—Mayor and Aldermen, . .	April.
City Treasurer—in Convention, . . . .	January.
Consulting Physicians—Mayor and Aldermen, . . . . .	May or June.
City Messenger—Concurrent vote, first elected by the Mayor and Aldermen,	April.
Superintendent of Burial Grounds— Mayor and Aldermen, . . . . .	April.
City Solicitor—Concurrent vote of both branches of the City Council, . . . .	February.
City Physician—Concurrent vote of both branches of the City Council, . .	May.

## T A X E S .

The amount of Taxes assessed on the Real and Personal Estates in the City of Roxbury, from 1846 :

## 1846.

Valuation of Real and Personal Estates,	\$12,543,900.00
At \$5.00 per \$1,000, is . . . . .	\$62,719.50
No. of Polls 3,668, at \$1.50 each, is . . . . .	5,502.00
Total Tax for 1846, . . . . .	\$68,221.50

## 1847.

Valuation of Real and Personal Estates,	\$12,628,300.00
At \$5.70 per \$1,000, is . . . . .	\$71,981.31
No. of Polls 3,806, at \$1.50 each, is . . . . .	5,709.00
Total Tax for 1847, . . . . .	\$77,690.31

## 1848.

Valuation of Real and Personal Estates,	\$13,174,600.00
At \$5.70 per \$1,000, is . . . . .	\$75,095.22
No. of Polls 3,999, at \$1.50 each, is . . . . .	5,998.50
Total Tax for 1848, . . . . .	\$81,093.72

## 1849.

Valuation of Real and Personal Estates,	\$13,476,600.00
At \$6.20 per \$1,000, is	\$83,554.92
No. of Polls 3,982, at \$1.50 each, is	5,973.00
Total Tax for 1849,	\$89,527.92

## 1850.

Valuation of Real Estate,	\$9,560,800.00
Valuation of Personal Estate,	4,152,000.00
	\$13,712,800.00
At \$6.20 per \$1,000, is	\$85,019.36
No. of Polls 4,125, at \$1.50 each, is	6,187.50
Total Tax for 1850,	\$91,206.86

## 1851.\*

Valuation of Real Estate,	\$9,649,600.00
Valuation of Personal Estate,	4,283,600.00
	\$13,933,200.00
At \$6.60 per \$1,000, is	\$91,959.12
No. of Polls 4,223, at \$1.50 each, is	6,334.50
Total Tax for 1851,	\$98,293.62

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\* West Roxbury set off this year. Valuation of whole included.

## 1852.

Valuation of Real Estate, . . .	\$8,786,400.00
Valuation of Personal Estate, . . .	3,148,800.00
	<u>\$11,935,200.00</u>
At \$6.40 per \$1,000, is . . .	\$76,385.28
No. of Polls 3,440, at \$1.50 each, is . . .	5,160.00
	<u>\$81,545.28</u>
Total Tax for 1852, . . .	

## 1853.

Valuation of Real Estate, . . .	\$9,070,800.00
Valuation of Personal Estate, . . .	3,361,800.00
	<u>\$12,432,600.00</u>
At \$7.80 per \$1,000, is . . .	\$96,974.28
No. of Polls 3,623, at \$1.50 each, is . . .	5,434.50
	<u>\$102,408.78</u>
Total Tax for 1853, . . .	

## 1854.

Valuation of Real Estate, . . .	\$9,472,400.00
Valuation of Personal Estate, . . .	3,896,800.00
	<u>\$13,369,200.00</u>
At \$7.80 per \$1,000, is . . .	\$104,279.76
No. of Polls, 3,833, at \$1.50 each, is . . .	5,749.50
	<u>\$110,029.26</u>
Total Tax for 1854, . . .	

## 1855.

Valuation of Real Estate, . . .	\$10,714,800.00
Valuation of Personal Estate, . . .	4,862,400.00
	<hr/>
	\$15,577,200.00
	<hr/>
At \$7.80 per \$1,000, is . . .	\$121,502.16
No. of Polls 3,804, at \$1.50 each, is . . .	5,706.00
	<hr/>
Total Tax for 1855, . . .	\$127,208.16

## 1856.

Valuation of Real Estate, . . .	\$11,594,400.00
Valuation of Personal Estate, . . .	5,066,000.00
	<hr/>
	\$16,660,400.00
	<hr/>
At \$9.00 per \$1,000, is . . .	\$149,943.60
No. of Polls 4,118, at \$1.50 each, is . . .	6,177.00
	<hr/>
Total Tax for 1856, . . .	\$156,120.60

## 1857.

Valuation of Real Estate, . . .	\$11,923,600.00
Valuation of Personal Estate, . . .	5,403,400.00
	<hr/>
	\$17,327,000.00
	<hr/>
At \$10.00 per \$1,000, is . . .	\$173,270.00
No. of Polls 4,152, at \$1.50 each, is . . .	6,228.00
	<hr/>
Total Tax for 1857, . . .	\$179,498.00

## CITY DEBT FOR THE SEVERAL YEARS SINCE THE INCORPORATION OF THE CITY.

1846	-	-	February 1st,	-	-	\$22,776.75
1847	-	-	"	"	-	27,609.98
1848	-	-	"	"	-	29,443.31
1849	-	-	"	"	-	39,973.65
1850	-	-	"	"	-	56,976.65
1851	-	-	"	"	-	48,476.65
1852	-	-	"	"	-	140,387.05
1853	-	-	"	"	-	186,810.40
1854	-	-	"	"	-	181,110.40
1855	-	-	"	"	-	209,263.95
1856	-	-	"	"	-	254,865.95
1857	-	-	"	"	-	246,040.95
1858	-	-	"	"	-	257,340.95

## VALUATION OF ESTATES, AND NUMBER OF POLLS IN ROXBURY, FROM 1836 TO 1858.

1836	-	-	-	\$5,582,400	1,833
1837	-	-	-	5,875,000	2,114
1838	-	-	-	5,979,900	2,047
1839	-	-	-	6,438,600	2,129
1840	-	-	-	6,721,000	2,300
1841	-	-	-	6,941,600	2,474
1842	-	-	-	7,341,600	2,570
1843	-	-	-	7,710,000	2,554
1844	-	-	-	8,578,600	2,977
1845	-	-	-	9,569,800	3,433
1846	-	-	-	12,543,900	3,668
1847	-	-	-	12,628,300	3,806
1848	-	-	-	13,174,600	3,999
1849	-	-	-	13,476,600	3,982
1850	-	-	-	13,712,800	4,125
1851*	-	-	-	13,933,200	4,223
1852	-	-	-	11,935,200	3,440
1853	-	-	-	12,432,600	3,623
1854	-	-	-	13,369,200	3,833
1855	-	-	-	15,577,200	3,804
1856	-	-	-	16,660,400	4,118
1857	-	-	-	17,327,000	4,152

\* West Roxbury set off, 1851.



# AMOUNT PAID FOR SCHOOLS, ETC. 163

## AMOUNT PAID FOR SCHOOLS, INCLUDING THE BUILDING AND REPAIR OF SCHOOL HOUSES.

Year.	Teachers' Pay, Fuel, and Contingencies.	New School Houses.	Total.
1846	\$17,104.01	\$8,887.96	\$27,991.97
1847	20,555.23	7,953.37	28,508.60
1848	24,422.69	20,916.54	45,338.13
1849	25,480.80	4,198.59	29,578.39
1850	26,177.86	3,660.55	29,738.41
1851	21,976.32	15,013.31	36,989.63
1852	24,709.61	7,949.24	32,658.85
1853	26,391.51	3,899.12	30,290.63
1854	30,284.69	26,802.92	57,087.61
1855	32,616.68	6,239.07	38,855.75
1856	36,266.58	5,309.16	41,575.74
1857	39,223.53	10,851.46	50,074.99

## POPULATION OF ROXBURY AT DIFFERENT PERIODS.

1765	-	-	-	-	-	-	1,487
1790	-	-	-	-	-	-	2,226
1800	-	-	-	-	-	-	2,765
1810	-	-	-	-	-	-	3,669
1820	-	-	-	-	-	-	4,135
1830	-	-	-	-	-	-	5,247
1840	-	-	-	-	-	-	9,089
1850*	-	-	-	-	-	-	18,316
1855	-	-	-	-	-	-	18,477

\* Including West Roxbury.

## AMOUNT PAID FOR SUPPORT OF POOR—NET COST.

Year.			Average No. Inmates.	Whole No. admitted.	Net Cost.
1846	-	-	120	410	\$5,586.15
1847	-	-	187	762	9,751.95
1848	-	-	242	710	6,052.40
1849	-	-	216	627	9,207.40
1850	-	-	240	628	8,229.08
1851	-	-	227	630	8,478.96
1852	-	-	185	507	6,737.49
1853	-	-	155	356	7,227.14
1854	-	-	52	292	7,776.21
1855	-	-	25	90	4,543.92
1856	-	-	25	112	5,491.64
1857	-	-	25	228	6,064.50

NOTE.—The amount given as the net cost of the respective years, is not strictly correct in every instance, as the accounts against the Commonwealth have in some instances been disallowed by the State Auditor, and a part of them subsequently allowed by the Legislature.

## AMOUNT PAID FOR REPAIRS OF HIGHWAYS.

1846	-	-	-	-	-	\$7,750.83
1847	-	-	-	-	-	9,853.38
1848	-	-	-	-	-	10,029.93
1849	-	-	-	-	-	12,015.06
1850	-	-	-	-	-	12,129.46
1851	-	-	-	-	-	9,698.58
1852	-	-	-	-	-	19,364.30
1853	-	-	-	-	-	15,537.45
1854	-	-	-	-	-	18,608.96
1855	-	-	-	-	-	29,080.96
1856	-	-	-	-	-	20,370.12
1857	-	-	-	-	-	27,178.06

## AMOUNT PAID FOR SUPPORT OF FIRE DEPARTMENT, PAY OF MEMBERS, BUILDING ENGINES, HOUSES, AND REPAIR THEREOF.

Year.		Reservoirs.	Fire Department.	Total.
1846	-	\$1,299.00	\$5,941.12	\$7,240.12
1847	-	2,090.00	6,635.79	8,725.29
1848	-	1,993.81	5,493.06	7,468.87
1849	-	1,271.47	5,869.14	7,140.61
1850	-	912.44	5,407.76	6,320.20
1851	-		6,618.99	6,618.99
1852	-	670.77	7,634.54	8,305.31
1853	-	1,747.33	8,232.33	9,979.66
1854	-		8,681.84	8,681.84
1855	-	1,593.49	10,655.08	12,248.57
1856	-	258.56	12,203.13	12,461.69
1857	-	3,014.20	12,597.64	15,611.84

## AMOUNT PAID FOR POLICE AND WATCH.

1846	-	-	-	-	\$2,363.96
1847	-	-	-	-	3,965.65
1848	-	-	-	-	4,408.41
1849	-	-	-	-	5,004.08
1850	-	-	-	-	4,075.89
1851	-	-	-	-	3,427.27
1852	-	-	-	-	4,271.30
1853	-	-	-	-	4,419.75
1854	-	-	-	-	5,370.68
1855	-	-	-	-	7,817.60
1856	-	-	-	-	9,290.88
1857	-	-	-	-	13,052.45

## AMOUNT PAID FOR LAMPS.

1846	-	-	-	-	-	\$849.06
1847	-	-	-	-	.	935.94
1848	-	-	-	-	-	899.01
1849	-	-	-	-	-	1,094.75
1850	-	-	-	-	-	1,221.18
1851	-	-	-	-	-	1,362.63
1852	-	-	-	-	-	2,431.47
1853	-	-	-	-	-	3,243.14
1854	-	-	-	-	-	2,592.75
1855	-	-	-	-	-	11,469.66
1856	-	-	-	-	-	8,551.78
1857	-	-	-	-	-	12,105.71

# NAMES OF MEMBERS OF THE CITY GOVERNMENT,

SINCE THE ADOPTION OF THE CITY CHARTER.

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## MAYORS.

John Jones Clarke, 1846.  
Henry Alexander Scammel Dearborn, 1847, 48, 49, 50, 51.\*  
Samuel Walker, 1852, 53.  
Linus Bacon Comins, 1854,  
James Ritchie, 1855.  
John Sherburne Sleeper, 1856, 57, 58.

## ALDERMEN.

Elijah Lewis, 1846, 47.  
Dudley Williams, 1846.  
Laban Smith Beecher, 1846.  
Moses Day, 1846.  
Samuel Walker, 1846.  
Samuel Jackson, 1846.  
Francis Chandler Head, 1846, 47, 48, 49, 50, 51.  
William Keith, 1846, 47, 48.  
Robert Gardner, 1847, 48.  
Richard Ward, 1847, 48, 49, 50, 51.  
William Bradbury Kingsbury, 1847, 48, 49, 50.  
Calvin Young, 1847, 48, 49, 50, 51.  
Nelson Curtis, 1847, 49, 50, 52, 53, 54, 56.  
Benjamin Franklin Campbell, 1848, 52, 53.  
Samuel Parkman Blake, 1848.  
Daniel Jackson, 1849, 50, 51.  
John Lincoln Plummer, 1849, 50, 51.  
William Mackintosh, 1849, 50.  
George Curtis, 1851, 52, 53, 54.  
Hiram Hall, 1851.  
Theodore Dunn, 1851.  
George Brown, 1851.  
Abraham Gearfield Parker, 1852, 53.  
Alvah Kittredge, 1852, 53.  
Horace Williams, 1852, 53.  
James Guild, 1852.  
John Hunt, 1852.  
John Sherburne Sleeper, 1853.  
Charles Hickling, 1853, 54.  
Joseph Nathaniel Brewer, 1854.

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\* Died July 29th, 1851, at Portland, Me. Samuel Walker was elected by the two branches of the City Council, August 11th, to fill the vacancy.

George Jefferds Lord, 1854.  
Robert Wilkins Ames, 1854.  
Calvin Barstow Faunce, 1854, 55.  
Benjamin Perkins, 1854.  
Charles Bunker, 1855.  
Samuel Sinclair Chase, 1855.  
Joseph Houghton, 1855.  
Asa Wyman, 1855.  
Moses Howe Webber, 1855.  
Francis Gardner, 1855.  
William Davis Adams, 1855.  
Benjamin Thompson, 1856, 57.  
Charles Edward Grant, 1856, 57.  
Joseph Gendell Torrey, 1856.  
George Smith Griggs, 1856, 57.  
Nahum Ward, 1856.  
Jonathan Pratt Robinson, 1856.  
Charles Carter Nichols, 1856, 57,  
Walden Porter, 1857.  
Joseph Houghton Chadwick, 1857.  
Henry Willis, 1857.  
George, Lewis, 1857, 58.  
William Sherman Leland, 1858.  
John Codman Clapp, 1858.  
Samuel Pearson, 1858.  
Benjamin Simons Noyes, 1858.  
Uriah Tompkins Brownell, 1858.  
Samuel Atwood Shurtleff, 1858.  
Ivory Harmon, 1858.

## PRESIDENTS OF THE COMMON COUNCIL.

Francis George Shaw, 1846.  
Linus Bacon Comins, 1847, 48.  
William Augustus Crafts, 1849, 50, 51.  
William Gaston, 1852, 53.  
James Monroe Keith, 1854.  
William Ellison, 1855.  
John Wilder May, 1856.  
Henry Pinkham Shed, 1857, 58.

## COMMON COUNCIL.

## WARD 1.

Daniel Jackson, 1846, 47, 48.  
Sylvester Bowman, 1846, 47, 49, 50.  
William Dudley Seaver, 1846.  
Simcon Litchfield, 1847, 48, 52.  
Ebenezer Chamberlain, 1848.  
Allen Putnam, 1849, 50.  
James Munroe, 1849, 50.\*

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\* Resigned, and John Parker was elected to fill the vacancy.

John Parker, 1850, 51, 52.  
 Daniel Putnam Upton, 1851, 52, 53.  
 - Reuben Winslow, 1851.  
 John Reed Howard, 1851.\*  
 George Jefferts Lord, 1852, 53, 57.  
 Franklin Williams, 1853, 54, 55, 56, 57.  
 Joseph Houghton Chadwick, 1853, 54.  
 Joseph Gendell Torrey, 1854.  
 Thomas Farmer, 1854.  
 William Morse, 1855, 56, 57, 58.  
 George Harris Pike, 1855, 56.  
 Asa Wyman, Jr., 1855.  
 Samuel Pearson, Jr., 1856.  
 Albert Brewer, 1857, 58.  
 Ebenezer Ryerson, 1858.  
 Joel Gay, 1858.†  
 Chester Morse Gay, 1858.

## WARD 2.

Abraham Gearfield Parker, 1846, 47, 48.  
 George Smith Griggs, 1846, 47, 48.  
 Esdras Lord, 1846, 47, 48.  
 Thatcher Sweat, 1849, 50, 51.  
 Uriah Tompkins Brownell, 1849, 50, 51.  
 William Seaver, 1849, 50, 51.  
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 Joseph Crawshaw, 1851.  
 True Russell, 1852.  
 John Wells Parker, 1852, 53.  
 Calvin Barstow Faunce, 1852, 53.  
 William Lewis Hall, 1853.

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\* Resigned, and John Parker was elected to fill the vacancy.

† Resigned May 17th, 1858, and William Morse was elected to fill the vacancy.

Charles Bayley Bryant, 1851.  
 Horace King, 1854.  
 Obed Rand, 1854.  
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 Clark Ide Gorham, 1855.  
 Ebenezer Waters Bumstead, 1855, 56.  
 Daniel Wingate Glidden, 1856.  
 Alonzo Williams Folsom, 1856.  
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 Robert Whipple Parker, 1850.  
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Henry Pinkham Shed, 1855, 57, 58.  
Joseph Willett Robbins, 1855,  
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Enoch Nute, 1848.  
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Jonas Barnard, 1849, 50.  
Hosea Ballou Stiles, 1850, 51.  
William Henry Gray, 1851.  
John Richardson, 1851.

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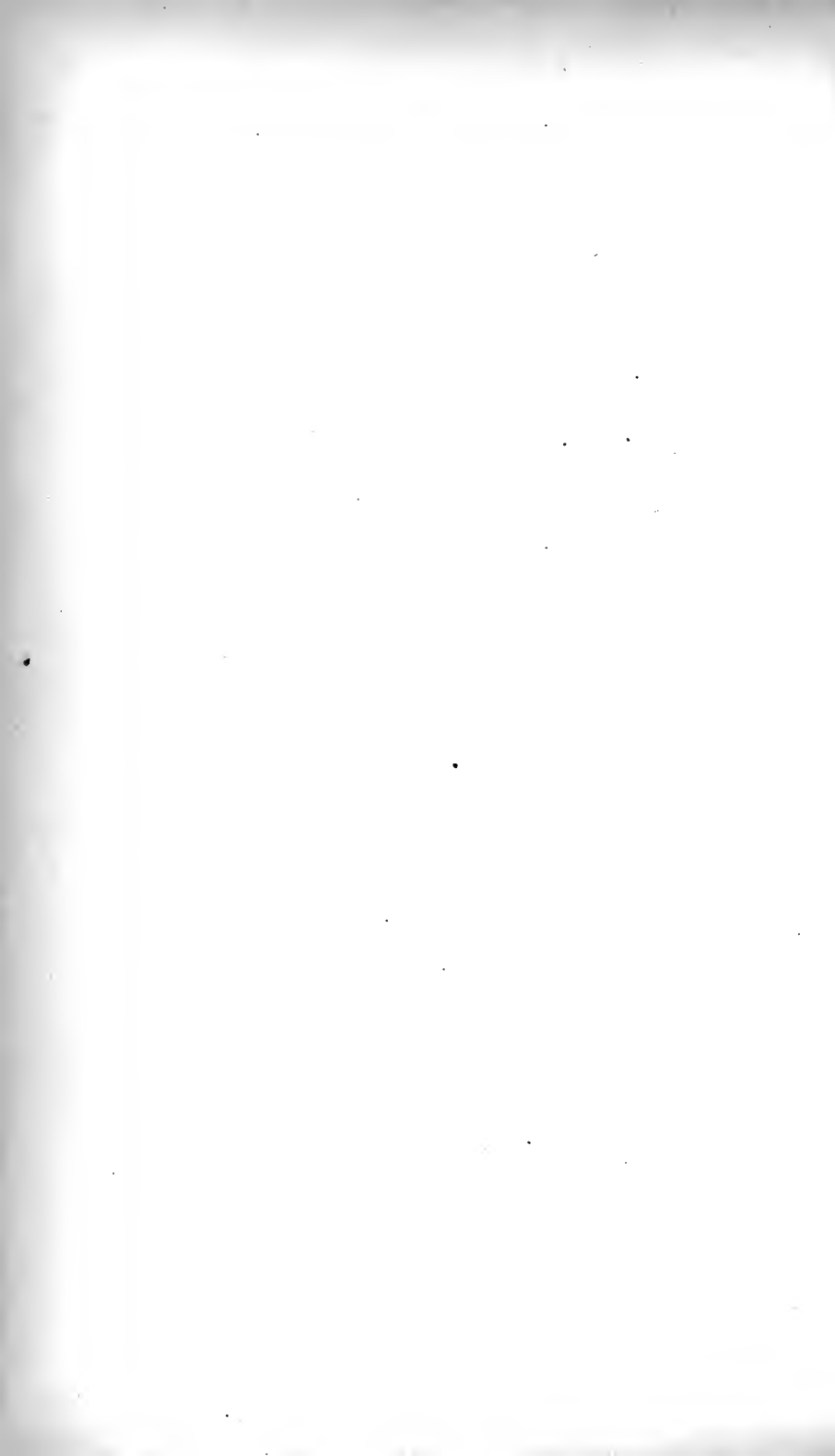
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Cornelius Cowing, 1851.  
James W. Wason, 1851.  
Aaron Cass, 1851.

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\* Wards 6, 7 and 8, with parts of Wards 1 and 5, were set off and incorporated, by Act of the Legislature, May 21, 1851, into the town of West Roxbury.







## N O T E .

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THE frontispiece of the Municipal Register for the year 1858 presents a view of the birth-place of WARREN. It was engraved from a drawing by Mrs. S. C. Bugbee of Boston, while the house was in existence, and just before it was taken down in 1846. It will be remembered that it stood upon the premises now on the corner of Warren and Winthrop Streets, from which site rises a dwelling house of stone, durable in the material of which it is constructed, and pleasing in its simple but beautiful proportions. A vine rich with clustering foliage screens from notice two tablets, on the front walls of the mansion, which bear these inscriptions :

ON THIS SPOT STOOD A HOUSE, ERECTED IN 1720 BY JOSEPH WARREN OF BOSTON, REMARKABLE FOR BEING THE BIRTH-PLACE OF GENERAL JOSEPH WARREN, HIS GRANDSON, WHO WAS KILLED ON BUNKER HILL, JUNE 17, 1775.

JOHN WARREN, A DISTINGUISHED PHYSICIAN AND ANATOMIST, WAS ALSO BORN HERE. THE ORIGINAL MANSION BEING IN RUINS, THIS HOUSE WAS BUILT BY JOHN C. WARREN, M. D., IN 1846, SON OF THE LAST NAMED, AS A PERMANENT MEMORIAL OF THE SPOT.

Sacred associations gather about the hallowed ground where a patriot was born, whose heroic life and noble gifts were freely surrendered to the cause of his country in a struggle memorable throughout all time.

The last words of WARREN, at the commencement of the battle, were the inspired utterances of a loyal American citizen. Having passed the 16th of June at Watertown, attending the deliberations of the Provincial Congress, he

repaired to Cambridge early on the following morning, and was present at a meeting of the Committee of Safety. About noon, the people were alarmed by a summons to arms, the news spreading in all directions: "The regulars are landing at Charlestown." GEN. WARREN mounted his horse, eager for a post of danger and of duty. Arriving at the base of Bunker Hill, he dismounted near the rail-fence breastwork. Gen. Putnam met him and offered to receive his orders; which WARREN declined giving, but immediately asked of the veteran Putnam where he could be most useful. Gen. Putnam pointed to the redoubt, some six hundred yards distant on Breed's Hill, saying, "There you will be covered." "Don't think," said WARREN, "I come to seek a place of safety; but tell me where the onset will be most furious." Putnam's finger still pointed in the direction of the redoubt. "That is the enemy's object; and if that can be defended the day is ours." \* WARREN moved with quick steps to the redoubt, musket in hand, and was received with loud cheers. Here also he refused to assume the command proffered by Col. Prescott, nobly replying, "I have not yet received my commission; I come as a volunteer with my musket to serve under you, and shall be happy to learn from a soldier of your experience." In the hard fought engagement which succeeded, WARREN fell a noble sacrifice for Liberty.

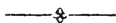
For the Committee,

HENRY P. SHED.

*Monday, July 5, 1858.*

\* Frothingham's Siege of Boston.

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## N O T E .

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THE Committee appointed by an order dated May 3d, 1858, to prepare the Municipal Register for the present year, have, in compliance with the order, prepared the same in the usual form. They would suggest, however, the expediency of printing the Ordinances and Register separately in the future. They believe as a larger edition of the Ordinances than of the Register is needed (the former answering for several and the latter for a single year), and for other reasons, that publications in the form proposed will be more convenient and less expensive. The Committee would also suggest that as the Laws relating to Municipal affairs are very numerous, and can always be readily found, those only of an important character be printed, and that a full reference to the others be published with the Ordinances, with the subjects arranged alphabetically and properly indexed. The Committee have caused a list of the laws relating to Municipal matters for the years 1856, '57 and '58, to be inserted in the Index, under "Statutes," and as these are not very numerous, they are arranged in the order of their passage.

